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सं. 29] नई दिल्ली, जुलाई 11—जुलाई 17, 2004, शनिवार/आषाढ़ 20—आषाढ़ 26, 1926
No. 29] NEW DELHI, JULY 11—JULY 17, 2004, SATURDAY/ASADHA 20—ASADHA 26, 1926

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications issued by the Ministries of the Government of India
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कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 9 जुलाई, 2004

का. आ. 1663.—केन्द्रीय सरकार एतद्द्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम संख्या 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए कर्नाटक राज्य सरकार की अधिसूचना संख्या एचडी 89 पीसीआर 2004 दिनांक 19 मई, 2004 द्वारा प्राप्त कर्नाटक राज्य सरकार की सहमति से श्री आरिफ रजा, पूर्व ए. सी., आई ए एस जिसने श्री एस. के. मित्रा, विंग कमांडर, कमांड वर्क आफिसर, मुख्यालय प्रशिक्षण कमान, आईएएफ, बंगलौर द्वारा 15-10-1996 को जारी किए गए प्रतीत होने वाले मैकेनिकल इंजीनियरिंग की डिग्री से संबंधित फर्जी प्रमाण-पत्र के आधार पर रेलवे में अनुभाग अभियंता की नौकरी प्राप्त की थी और किसी अन्य लोक सेवक अथवा व्यक्ति के विरुद्ध उनके कपटपूर्ण कार्यों के लिए मामला आरसी 22 (एस)/2003-पटना में भारतीय दंड संहिता, 1860 (1860 का अधिनियम संख्या 45) की धारा 420, 467, 468 और 471 के अधीन दंडनीय अपराधों और उक्त अपराधों से संबंधित अथवा संसक्त तथा उसी संव्यवहार के अनुक्रम में किए गए अथवा उन्हीं तथ्यों से उद्भूत किन्हीं अन्य अपराधों के आंशिक अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार संपूर्ण कर्नाटक राज्य पर करती है।

[सं. 228/49/2004-ए.वी.डी.-(II)]

भास्कर खुल्बे, निदेशक

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel and Training)

New Delhi, the 9th July, 2004

S.O. 1663.—In exercise of the powers conferred by sub-section (1) of Section 5 read with Section 6 of Delhi Special Police Establishment Act, 1946 (Act. No. 25 of 1946), the Central Government with the consent of State Government of Karnataka, vide Notification No. HD 89 PCR 2004 dated 19-5-2004, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Karnataka to conduct part-investigation of offences punishable in RC. 22 (S)/2003-Patna under Sections 420,467,468 and 471

of the Indian Penal Code, 1860 (Act No. 45 of 1860) against Shri Arif Raza, Ex A. C. of IAF, who had secured the job of Section Engineer, in Railways, on the strength of a forged certificate of Degree in Mechanical Engineering, Purportedly issued by Shri S. K. Mitra, Wing Commander, Command Work Officer, HQ Training Command, IAF, Bangalore on 15-10-1996, for his fraudulent acts, and any other public servant or person in relation to or in connection with the said offences and any other offences committed in the course of the same transaction or arising out of the same facts.

[No. 228/49/2004-AVD-II]

BHASKAR KHULBE, Director

नई दिल्ली, 9 जुलाई, 2004

का. आ. 1664.—केन्द्रीय सरकार एतद्द्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम संख्या 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए कर्नाटक राज्य सरकार की अधिसूचना संख्या एचडी 127 पीसीआर 2004 दिनांक 7 मई, 2004 द्वारा प्राप्त कर्नाटक राज्य सरकार की सहमति से (1) मैसर्स टीटीजी इंडस्ट्रीज़ लिमिटेड, चेन्नई (2) श्री वी. रवि श्रीनिवासन, निदेशक, मैसर्स टीटीजी इंडस्ट्रीज़ लिमिटेड, चेन्नई (3) श्री टी. के. शशिधरन, निदेशक, मैसर्स टीटीजी इंडस्ट्रीज़ लिमिटेड, चेन्नई (4) श्री के. मनोहरन, प्रोमोटर, मैसर्स टीटीजी इंडस्ट्रीज़ लिमिटेड, चेन्नई और सेंट्रल बैंक ऑफ इंडिया, चेन्नई मेन ब्रांच, चेन्नई के अज्ञात पदाधिकारियों एवं अन्यों तथा किसी अन्य लोक सेवक अथवा व्यक्तियों के विरुद्ध मैसर्स टीटीजी इंडस्ट्रीज़ लिमिटेड, चेन्नई के नाम में विभिन्न साख सुविधाएँ प्राप्त करने के मामले में सेंट्रल बैंक ऑफ इंडिया, चेन्नई मेन ब्रांच को धोखा देने के कारण भारतीय दंड संहिता, 1860 (1860 का अधिनियम संख्या 45) की धारा 120-बी सपठित धारा 409, 420 और 465 तथा भ्रष्टाचार निवारण अधिनियम, 1988 (1988 का अधिनियम संख्या 49) की धारा 13(2) सपठित धारा 13(1) (डी) के अधीन दंडनीय अपराधों और उक्त अपराधों से संबंधित अथवा संसक्त तथा उसी संव्यवहार के अनुक्रम में किए गए अथवा उन्हीं तथ्यों से उद्भूत किन्हीं अन्य अपराधों के अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार संपूर्ण कर्नाटक राज्य पर करती है।

[सं. 228/41/2004-ए.वी.डी.-II]

भास्कर खुल्बे, निदेशक

New Delhi, the 9th July, 2004

S.O. 1664.—In exercise of the powers conferred by sub-section (1) of Section 5 read with Section 6 of Delhi Special Police Establishment Act, 1946 (Act. No. 25 of 1946), the Central Government with the consent of State Government of Karnataka, vide Notification No. HD 127 PCR 2004 dated 7-5-2004 hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Karnataka for investigation of offences punishable under Section 120-B read with 409, 420 and 465 of Indian Penal Code, 1860, (Act No. 45 of 1860) and under Section 13(2) read with 13 (1) (d) of Prevention of Corruption Act, 1988 (Act No. 49 of 1988) against (1) M/s. TTG Industries Limited, Chennai (2) Shri V. Ravi Srinivasan, Director, M/s. TTG Industries, Chennai (3) Shri T. K. Sashidharan, Director, M/s. TTG Industries, Chennai (4) Shri K. Manoharan, Promoter, M/s. TTG Industries, Chennai and unknown officials of Central Bank of India, Chennai Main Branch, Chennai and others, for defrauding Central Bank of India, Chennai Main Branch in the matter of obtaining various credit facilities in the name of M/s. TTG Industries, Chennai, and any other public servant or persons in relation to or in connection with the said offences, and any other offences committed in the course of the same transaction or arising out of the same facts.

[No. 228/4 I/2004-AVD-II]

BHASKAR KHULBE, Director

नई दिल्ली, 9 जुलाई, 2004

का. आ. 1665.—केन्द्रीय सरकार एतद्द्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम संख्या 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए कर्नाटक राज्य सरकार की अधिसूचना संख्या एचडी 96 पीसीआर 2004 दिनांक 19 मई, 2004 द्वारा प्राप्त कर्नाटक राज्य सरकार की सहमति से श्री के. जगन्नाथन, तत्कालीन सहायक महाप्रबंधक, स्टेट बैंक ऑफ मैसूर, बंगलौर मेन ब्रांच बंगलौर, श्री अचन्ता सुब्रामणियम, तत्कालीन उप महाप्रबंधक, एसबीएम, बंगलौर जोन, बंगलौर, श्री टी.एस. सेतुरतनम, अध्यक्ष, मैसर्स इम्प्रेसिव टच वुड क्राफ्टस लिमिटेड, बंगलौर, श्री एस. रामजी, पूर्णकालिक निदेशक, मैसर्स इम्प्रेसिव टच वुड क्राफ्टस लिमिटेड, बंगलौर और मैसर्स इम्प्रेसिव टच वुड क्राफ्टस लिमिटेड, बंगलौर एवं किन्हीं अन्य लोक सेवकों अथवा व्यक्तियों के विरुद्ध वर्ष 1996-2000 के दौरान मैसर्स इम्प्रेसिव टच वुड क्राफ्टस लिमिटेड, बंगलौर को साख सुविधाएँ मंजूर करने के मामले में स्टेट बैंक ऑफ मैसूर को 626.04 लाख रुपए का धोखा देने के लिए भारतीय दंड संहिता की धारा 120-बी सपठित धारा 420 और तथा भ्रष्टाचार निवारण अधिनियम, 1988 की धारा 13(2) सपठित धारा 13(1) (डी) के अधीन दंडनीय अपराधों तथा उसी संव्यवहार के अनुक्रम में किए गए अथवा उन्हीं तथ्यों से उद्भूत उक्त अपराधों से संबंधित अथवा संसक्त किन्हीं अन्य अपराधों के अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार संपूर्ण कर्नाटक राज्य पर करती है।

[सं. 228/46/2004-ए.वी.डी.-II]

भास्कर खुल्बे, निदेशक

New Delhi, the 9th July, 2004

S.O. 1665.—In exercise of the powers conferred by sub-section (1) of Section 5 read with Section 6 of Delhi

Special Police Establishment Act, 1946 (Act. No. 25 of 1946), the Central Government with the consent of State Government of Karnataka, vide Notification No. HD 96 PCR 2004 dated 19-5-2004 hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Karnataka for investigation of offences punishable under section 120-B read with 420 IPC and 13(2) read with 13 (1) (d) of Prevention of Corruption Act, 1988 against Shri K. Jagannathan, the then AGM, State Bank of Mysore, Bangalore Main Branch, Bangalore, Shri Achantha Subramanyam, the then DGM, SBM, Bangalore Zone, Bangalore, Shri T.S. Sethurathnam, Chairman, M/s. Impressive Touch Wood Crafts Limited, Bangalore, Shri S. Ramji, whole time Director, M/s. Impressive Touch Wood Crafts Limited, Bangalore, and M/s. Impressive Touch Wood Crafts Limited, Banagalore for defrauding State Bank of Mysore to the tune of Rs. 626.04 lacs in the matter of credit facilites to M/s. Impressive Touch Wood Crafts Limited during the year 1996—2000 and any other public servants or persons in relation to, or in connection with the said offences, and any other offences committed in the course of the same transaction or arising out of the same facts.

[No. 228/46/2004-AVD-II]

BHASKAR KHULBE, Director

नई दिल्ली, 9 जुलाई, 2004

का. आ. 1666.—केन्द्रीय सरकार एतद्द्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम संख्या 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, कर्नाटक राज्य सरकार की दिनांक 19 मई, 2004 की अधिसूचना संख्या एच.डी. 99 पी.सी.आर. 2004 द्वारा प्राप्त कर्नाटक राज्य सरकार की सहमति से (i) मैसर्स ग्रेट वैस्टर्न इंडस्ट्रीज लिमिटेड, वाइटफील्ड, बैंगलूर, (ii) श्री एम. नारायणन, प्रबंध निदेशक, (iii) श्री मीनू ई. चाचा, निदेशक, (iv) डॉ. डी. अशोक, निदेशक, (v) श्री एस. हटारिया, निदेशक एवं अन्यों और किसी अन्य व्यक्ति के विरुद्ध, उनके कपटपूर्ण कृत्यों द्वारा केनरा बैंक, हाई-टेक वृषि वित्त शाखा, बैंगलूर को धोखा देने के कारण भारतीय दंड संहिता की धारा 120-बी के साथ पठित धारा 420 के अधीन दंडनीय अपराधों और उसके सारभूत अपराधों अथवा कथित अपराधों से संसक्त तथा उसी संव्यवहार में किए गए अथवा उन्हीं तथ्यों से उद्भूत किन्हीं अन्य अपराधों के अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार संपूर्ण कर्नाटक राज्य पर करती है।

[फा. सं. 228/47/2004-ए.वी.डी.-II]

भास्कर खुल्बे, निदेशक

New Delhi, the 9th July, 2004

S.O. 1666.—In exercise of the powers conferred by sub-section (I) of section 5 read with section 6 of Delhi Special Police Establishment Act, 1946 (Act. No. 25 of 1946), the Central Government with the consent of State Government of Karnataka, vide Notification No. HD 99 PCR 2004 dated 19-5-2004 hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Karnataka for investigation of offences punishable under section 120-B read with 420, of the Indian Penal Code and substantive offences thereof against (i) M/s. Great Western Industries Ltd., Whitefield, Bangalore, (ii) Shri M. Narayanan, Managing Director, (iii) Shri Minoo E Vacha, Director, (iv) Dr. D. Ashok, Director, (v) Shri S. Hataria, Director and others for cheating Canara Bank, Hi Tech Agriculture Finance Branch, Bangalore, by their fraudulent Acts, and any others persons in relation to or in connection with the said offences, and any other offences committed in the course of the same transaction or arising out of the same facts.

[No. 228/47/2004-AVD-II]

BHASKAR KHULBE, Director

नई दिल्ली, 9 जुलाई, 2004

का. आ. 1667.—केन्द्रीय सरकार एतद्द्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम संख्या 25) की धारा 6 सपठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, आंध्र प्रदेश राज्य सरकार के गृह (एससी-ए) विभाग, जी.ओ.एम.एस. सं. 93 दिनांक 1-4-2004 द्वारा प्राप्त आंध्र प्रदेश राज्य सरकार की सहमति से नकली विशेष आसंजक स्टाम्पों, शेयर अंतरण स्टाम्पों और बीमा स्टाम्पों से संबंधित मामलों में भारतीय दंड संहिता, 1860 (1860 का अधिनियम सं. 45) की धारा 120-बी, 201, 213, 217 और 218 तथा भ्रष्टाचार निवारण अधिनियम, 1988 (1988 का अधिनियम संख्या 49) की धारा 13(2) सपठित धारा 13(1) (डी) के अधीन दर्ज मामला अपराध सं. 1/2004 और उक्त अपराधों से संबंधित अथवा संसक्त प्रयत्नों, दुष्प्रेरणों और षड्यंत्रों तथा उसी संव्यवहार के अनुक्रम में किए गए उन्हीं तथ्यों से उद्भूत किन्हीं अन्य अपराधों के अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार सम्पूर्ण आंध्र प्रदेश राज्य पर करती है।

[फा. सं. 228/36/2004-ए.वी.डी.-II]

भास्कर खुल्बे, निदेशक

New Delhi, the 9th July, 2004

S.O. 1667.—In exercise of the powers conferred by sub-section (1) of Section 5 read with section 6 of Delhi Special Police Establishment Act, 1946 (Act. No. 25 of 1946), the Central Government with the consent of the State Government of Andhra Pradesh vide Home (SC-A) Department G.O. Ms. No. 93 dated 1st April, 2004, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Andhra Pradesh for investigation of the case CrimeNo. 1/2004 registered under sections 120-B, 201, 213, 217 and 218 of the Indian Penal Code, 1860 (Act No. 45 of 1860) and Section 13(2) read with 13(1)(d) of Prevention

of Corruption Act, 1988 (Act No. 49 of 1988) relating to the cases of fake special adhesive stamps, share transfer stamps and insurance stamps and attempts, abetments and conspiracies in relation to or in connection with the said offences and any other offences committed in the course of the same transaction of arising out of the same facts.

[No. 228/36/2004 AVD-II]

BHASKAR KHULBE, Director

वित्त मंत्रालय

(राजस्व विभाग)

केन्द्रीय प्रत्यक्ष कर बोर्ड

नई दिल्ली, 15 जून, 2004

(आयकर)

का. आ. 1668.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23-ग) के उपखण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार के एतद्द्वारा "बृहन् मुम्बई क्रीडा अणि ललितकला प्रतिष्ठान, मुम्बई" को वर्ष 2001-02 से 2002-03 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त खंड के प्रयोजनार्थ अनुमोदित करती है, अर्थात्:—

(i) कर-निर्धारिती अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;

(ii) कर-निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षिक स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

(iii) यह अधिसूचना किसी ऐसी आय के संबंध मे लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारित के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों;

(iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकरी के समक्ष दाखिल करेगा;

(v) विघटन की स्थिति में इसकी अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 156/2004/फा. सं. 196/2/2004-आई.टी.ए.-I]

आई. पी. एस. बिन्द्रा, अवर सचिव

MINISTRY OF FINANCE

(Department of Revenue)

CENTRAL BOARD OF DIRECT TAXES

New Delhi, the 15th June, 2004

(INCOME TAX)

S.O. 1668.—In exercise of the powers conferred by the clause (23) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Brihanmumbai Kreeda Ani Lalitkala Pratishthan, Mumbai" for the purpose of the said Sub-clause for the assessment years 2001-02 to 2002-03 subject to the following conditions, namely:—

(i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;

(ii) the assessee will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms of modes specified in sub-section (5) of Section 11;

(iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of account are maintained in respect of such business;

(iv) the assessee will regularly file its return of income before the income-tax authority in accordance with the provisions of the Income-tax Act, 1961;

(v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 156/2004/F. No. 196/2/2004 ITA-I]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 8 जुलाई, 2004

(आयकर)

का. आ. 1669.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार एतद्द्वारा "स्पोर्ट्स अथोरिटी ऑफ इंडिया, नई दिल्ली" को वर्ष 1993-1994 से 1994-1995 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उप खंड के प्रयोजनार्थ अनुमोदित करती है, अर्थात्:—

(i) कर-निर्धारिती अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा

अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;

(ii) कर-निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

(iii) यह अधिसूचना किसी ऐसी आय के संबंध मे लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों;

(iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकरी के समक्ष फाइल करेगा;

(v) विघटन की स्थिति में इसकी अतिरिक्त राशियां और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 197/2004/फा. सं. 196/9/1996-आई.टी.ए.-I]

आई. पी. एस. बिन्द्रा, अवर सचिव

New Delhi, the 8th July, 2004

(INCOME TAX)

S.O. 1669.—In exercise of the powers conferred by the clause (23) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Sports Authortiy of India, New Delhi" for the purpose of the said sub-clause for the assessment years 1993-1994 to 1994-1995 subject to the following conditions, namely:—

(i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;

(ii) the assessee will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms of modes specified in Sub-section (5) of Section 11;

(iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of account are maintained in respect of such business;

(iv) the assessee will regularly file its return of income before the income-tax authority in accordance with the provisions of the Income-tax Act, 1961;

(v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 197/2004/F. No. 196/9/1996-ITA-I]

I. P. S. BINDRA, Under Secy.

कार्यालय आयुक्त केन्द्रीय उत्पाद शुल्क : जालंधर

(मुख्यालय चंडीगढ़)

सं. 1/2004-एन.टी. (सीमा)

जालंधर, 30 जून, 2004

का. आ. 1670.—भारत सरकार, वित्त मंत्रालय, राजस्व विभाग, नई दिल्ली की अधिसूचना संख्या 33/94-सीमा (एन.टी.) दिनांक 01-07-94 में प्रदत्त शक्तियों का प्रयोग करते हुये मैं एतद्द्वारा सीमा शुल्क अधिनियम, 1962 (1962 की संख्या 52) की धारा 9 के अन्तर्गत पंजाब राज्य के गांव चक गुजरान, पोस्ट ऑफिस-पिपलनवाला, जालंधर रोड, होशियारपुर को 100 प्रतिशत निर्यातोन्मुख उपक्रम के उद्देश्य के लिए भांडागार स्टेशन घोषित करता हूं।

[फा. सं. VIII (मुख्य) 20/27/डी.बी.के./2004]

जी. एस. नारंग, आयुक्त

OFFICE OF THE COMMISSIONER OF CENTRAL EXCISE : JALANDHAR

(HQRS AT CHANDIGARH)

NO. 1/2004-N.T. (CUS)

Jalandhar, the 30th June, 2004

S.O. 1670.—In exercise of the powers conferred by the Notification No. 33/94-Cus(NT), dated 01-07-1994 of the Government of India, Ministry of Finance, Department of Revenue, New Delhi, Village Chak Gujran, Post Office Piplanwala, Jalandhar Road, Hoshiarpur in the State of Punjab is hereby declared to be a Warehousing Station under Section 9 of the Customs Act, 1962 (No. 52 of 1962) for the purpose of setting up of a Hundred Percent Export Oriented Unit (100% EOU).

[C. No. VIII (HQ) 20/27/DBK/2004]

G. S. NARANG, Commissioner

आर्थिक कार्य विभाग

(बैंकिंग प्रभाग)

नई दिल्ली, 6 जुलाई, 2004

का. आ. 1671.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर एतद्द्वारा यह घोषणा करती है कि उक्त अधिनियम की धारा 13 का उपबंध आईसीआईसीआई बैंक लि. पर उस सीमा तक लागू नहीं होगा जहां तक उसका संबंध अप्रैल, 2004 में जारी 155 मिलियन इक्विटी शेयरों के सरकारी निर्गम से है।

[फा. सं. 15/5/2004-बीओए]

डी. पी. भारद्वाज, अवर सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 6th July, 2004

S.O. 1671.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government, on the recommendation of Reserve Bank of India, hereby declares that the provision of Section 13 of the said Act shall not apply to the ICICI Bank Ltd. so far as the public issue of 155 million equity shares issued in April, 2004 is concerned.

[F. No. 15/5/2004-BOA]

D. P. BHARDWAJ, Under Secy.

संचार एवं सूचना प्रौद्योगिकी मंत्रालय

(डाक विभाग)

(डाक जीवन बीमा निदेशालय)

नई दिल्ली, 22 जून, 2004

का. आ. 1672.—डाकघर बीमा निधि नियमावली के नियम 10 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और 31-3-2000 को ग्रामीण डाकघर जीवन बीमा निधि की परिसम्पत्तियों और देयताओं के बीमांकक मूल्यांकन के आधार पर महानिदेशक, डाक मृत्यु अथवा परिपक्वता के कारण दावा बनी ग्रामीण डाक जीवन बीमा पॉलिसियों पर 31-3-2000 को समाप्त वर्ष के लिए निम्नलिखित दरों पर साधारण प्रतिवर्ती बोनस की घोषणा करते हैं।

	बीमा पॉलिसी का प्रकार	बोनस की दर
(i)	आजीवन बीमा	बीमा राशि के प्रति हजार पर 60 रु.
(ii)	बंदोबस्ती बीमा तथा प्रत्याशित बंदोबस्ती बीमा	बीमा राशि के प्रति हजार पर 50 रु.

2. 1-4-2004 से 31-12-2004 की अवधि के दौरान परिपक्वता अथवा मृत्यु के कारण उत्पन्न ऐसी पॉलिसियों के सभी दावों के लिए, जिनके लिए प्रीमियम अदा कर दिया गया है और 01-4-2004 से 31-12-2004 की अवधि के दौरान (1-4-2004 को अथवा उसके बाद जारी पॉलिसियों के संबंध में बीमा के प्रथम पॉलिसी वर्ष सहित) स्वीकार की गई हैं, ऊपर उल्लिखित दर से अंतरिम बोनस भी देय होगा।

3. बोनस की राशि में शामिल 50 पैसे अथवा उससे अधिक भाग को अगले उच्च रुपये में परिवर्तित कर दिया जाए और 50 पैसे से कम भाग को छोड़ दिया जाए।

4. इसे वित्त सलाह (डाक) की डायरी सं. 964 दिनांक 21-5-2004 के तहत प्राप्त उनकी सहमति से जारी किया गया है।

[सं. 5-1/2004-एल आई]

वी. पति, अपर महाप्रबंधक

MINISTRY OF COMMUNICATION & IT

(Department of Posts)

(DIRECTORATE OF PLI)

New Delhi, the 22nd June, 2004

S.O. 1672.—In exercise of the powers conferred vide Rule 10 of Post Office Insurance Fund Rules and on the basis of actuarial valuation of the assets and liabilities of the Rural Post Office Life Insurance Fund as on 31-03-2000 the Director General, Post is pleased to declare a Simple Reversionary Bonus on the Rural Postal Life Insurance Policies on there becoming claims, due to death or maturity at the following rates for the year ending 31-03-2000.

Type of Insurance Policy	Rate of Bonus
(i) Whole Life Assurance	Rs. 60 per thousand of sum assured
(ii) Endowment Assurance & Anticipated Endowment Assurance	Rs. 50 per thousand of sum assured

2. Interim Bonus @ mentioned above will also be payable for all claims arising due to Maturity or Death during the period from 01-04-2004 to 31-12-2004 for policies for which premium has been paid and entered upon during the period 01-04-2004 to 31-12-2004 (including first policy year of assurance in respect of policies issued on or after 01-4-2004)

3. The amount of bonus involving a fraction of 50 paise on more shall be rounded off to the next higher rupee and fraction below 50 paise shall be ignored.

4. This issues with the concurrence of Finance Advice (Postal) vide their diary No. 964 dated 21-05-2004.

[F. No. 5-1/2004-LI]

V. PATI, Addl. General Manager

परमाणु ऊर्जा विभाग

मुम्बई, 30 जून, 2004

का. आ. 1673.—सार्वजनिक परिसरों (अनधिकृत दखलकार की बेदखली) अधिनियम, 1971 (अधिनियम सं. 1971 का 40) के खंड 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा भारत सरकार, परमाणु ऊर्जा विभाग की 4 सितंबर, 1996 की अधिसूचना का.आ. सं. 1/11(33)/94-पीएसयू-I/1332 में, आंशिक संशोधन करते हुए केंद्रीय सरकार एतद्द्वारा टेबल के कॉलम (2) में उल्लिखित निम्नलिखित अधिकारियों, जो भारत सरकार के राजपत्रित अधिकारियों के श्रेणी के समक्ष अधिकारी हैं, को उक्त अधिनियम के प्रयोजनार्थ सम्पदा अधिकारियों के रूप में नियुक्त करती है, जो उक्त टेबल की कॉलम संख्या 3 में निर्दिष्ट सार्वजनिक क्षेत्रों के संबंध में उनके क्षेत्राधिकार में आने वाली स्थानीय सीमाओं में उक्त अधिनियम द्वारा या उसके तहत सम्पदा अधिकारियों की प्रदत्त शक्तियों का प्रयोग तथा लागू ड्यूटियों का निष्पादन करेंगे।

टेबल

क्रम संख्या	अधिकारी का पद	सार्वजनिक परिसर तथा स्थानीय सीमा या क्षेत्राधिकार की श्रेणी
(1)	(2)	(3)
1.	उप महाप्रबंधक (पी एवं आई आर) या वरिष्ठ प्रबंधक (पी एवं आई आर) या प्रबंधक (पी एवं आई आर), नरोरा परमाणु बिजलीघर, डाकघर : नरोरा वाया देबई, बुलंदशहर, उत्तर प्रदेश-202397।	परिसर (कार्यालयीन तथा आवासीय), जो नरोरा परमाणु बिजलीघर स्टेशन, पी.ओ. नरोरा वाया देबई, बुलंदशहर-जिला, उत्तर प्रदेश-202397 स्थित न्यूक्लियर पावर कारपोरेशन ऑफ इंडिया लिमिटेड के स्वामित्व का है या जो उक्त के प्रबंधाधीन है।
2.	उप महाप्रबंधक या वरिष्ठ प्रबंधक (पी एवं आई आर) या प्रबंधक (पी एवं आई आर), तारापुर परमाणु बिजली परियोजना 3 एवं 4, पी. ओ. टीएपीपी जिला थाने, महाराष्ट्र-401504।	परिसर (अधिकारी तथा आवासीय), जो तारापुर परमाणु बिजली परियोजना यूनिटें 3 एवं 4, जिला थाने, महाराष्ट्र स्थित न्यूक्लियर पावर कारपोरेशन ऑफ इंडिया लिमिटेड के स्वामित्व का है या जो उक्त के प्रबंधाधीन है।
3.	उप महाप्रबंधक (पी एवं आई आर) या वरिष्ठ प्रबंधक (पी एवं आई आर), या प्रबंधक (पी एवं आई आर) ककरापार परमाणु बिजलीघर, गाँव : मोतीचर, मांडवी तालुका, जिला सूरत गुजरात।	परिसर (कार्यालयीन तथा आवासीय), जो ककरापार परमाणु बिजलीघर गाँव मोतीचर मन्चिर तथा व्यारा में मांडवी गाँव ऊँचामाला, व्यारा तालुका जिला सूरत, गुजरात स्थित न्यूक्लियर पावर कारपोरेशन ऑफ इंडिया लिमिटेड के स्वामित्व का है या जो उक्त के प्रबंधाधीन है।
4.	उप महाप्रबंधक (पी एवं आई आर) आर ए पी एस-1 से 4 या वरिष्ठ प्रबंधक (पी एवं आई आर), आर ए पी एस 1 से 4, या प्रबंधक (पी एवं आई आर) आर ए पी एस 1 से 4, राजस्थान परमाणु बिजलीघर -1 से 4, पी.ओ. अणुशक्ति वाया : कोटा, राजस्थान-323 303।	परिसर (कार्यालयीन तथा आवासीय), जो राजस्थान परमाणु बिजलीघर 1 एवं 2, तथा राजस्थान परमाणु बिजलीघर 3 एवं 4, रावतभाटा खेसली (अणुशक्ति), विक्रमनगर, भाभा नगर, तहसील बेगून, जिला चित्तौड़गढ़, राजस्थान, स्थित न्यूक्लियर पावर कारपोरेशन ऑफ इंडिया लिमिटेड के स्वामित्व का है या जो उक्त के प्रबंधाधीन है।
5.	उप महाप्रबंधक (पी एवं आई आर) या वरिष्ठ प्रबंधक (पी एवं आई आर) या प्रबंधक (पी एवं आई आर) कुडनकुलम परमाणु विद्युत परियोजना, पी.ओ. : कुडनकुलम, तालुका-राधा-पुरम, जिला-तिरूनावेली, तमिलनाडु-627 106।	परिसर (अधिकारी तथा आवासीय), जो कुडनकुलम परमाणु विद्युत परियोजना, पी.ओ. : कुडनकुलम तालुका-राधापुरम, जिला-तिरुनावेली, एवं नागरकोयल, तमिलनाडु स्थित न्यूक्लियर पावर कारपोरेशन ऑफ इंडिया लिमिटेड के स्वामित्व का है या जो उक्त के प्रबंधाधीन है।
6.	उप महाप्रबंधक (पी एवं आई आर) आर ए पी एस 5 एवं 6 या वरिष्ठ प्रबंधक (पी एवं आई आर), आर ए पी एस 5 एवं 6, या प्रबंधक (पी एवं आई आर) आर ए पी एस 5 एवं 6, राजस्थान परमाणु बिजली परियोजना 5 एवं 6 डाकघर : अणुशक्ति वाया : कोटा, राजस्थान-323303।	परिसर (अधिकारी तथा आवासीय), जो रावतभाटा के राजस्थान परमाणु बिजली परियोजना 5 एवं 6 खेसली (अणुशक्ति), भाभा नगर, स्थित तहसील नागून, जिला चित्तौड़गढ़ राजस्थान स्थित न्यूक्लियर पावर कारपोरेशन ऑफ इंडिया लिमिटेड के स्वामित्व का है या जो उक्त के प्रबंधाधीन है।

[सं० 1/11(33)/94-पावर/ 510]

उमा महादेवन, उप सचिव

DEPARTMENT OF ATOMIC ENERGY

Mumbai, the 30th June, 2004

S.O. 1673.—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorised Occupation) Act, 1971 (Act No. 40 of 1971) and in partial modification of the notification of the Govt. of India in the Department of Atomic Energy, S.O. No. 1/11(33)/94-PSU-I/1332 dated the 4th September, 1996, the Central Government hereby appoints the following Officers mentioned in column 2 of the Table, below being Officers equivalent to the rank of Gazetted Officers of the Government of India, to be Estate Officers for the purposes of the said Act who shall exercise the powers conferred and perform the duties imposed on the Estate Officers by or under the said Act within the local limits of their respective jurisdiction in respect of the public premises specified in column 3 of the said Table.

Table

Sl. No.	Designation of the Officer	Categories of the Public premises & local limits or jurisdiction
1	2	3
1.	Dy. Gen. Manager (P&IR) or Sr. Manager (P&IR) or Manager (P&IR), Narora Atomic Power Station, P.O. Narora, Via : Debai, Bulandshahr, Uttar Pradesh-202397.	Premises (Office and residential) belonging to or under the management of the Nuclear Power Corporation of India Ltd. at Narora Atomic Power Station, P.O. Narora, Via : Debai, Bulandshahr Dist., Uttar Pradesh.
2.	Dy. Gen. Manager (P&IR) or Sr. Manager (P&IR) or Manager (P&IR), Tarapur Atomic Power Project 3 & 4, P.O. TAPP, Dist. Thane, Maharashtra-401504.	Premises (Office and Residential) belonging to or under the management of the Nuclear Power Corporation of India Ltd. at Tarapur Atomic Power Project Units3 & 4 in Thane Dist., Maharashtra.
3.	Dy. Gen. Manager (P&IR) or Sr. Manager (P&IR) or Manager (P&IR), Kakrapar Atomic Power Station, Village-Moticher, Mandvi Taluka, Dist. Surat, Gujarat.	Premises (Office and Residential) belonging to or under the management of the Nuclear Power Corporation of India Ltd. at Kakrapar Atomic Power Station, in Village : Moticher Manicher and Ratward in the Mandvi Taluka and Village Unchamala, Vyara Taluka, Dist. Surat, Gujarat.
1	2	3
4.	Dy. Gen. Manager (P&IR), RAPS 1 to 4 or Sr. Manager (P&IR), RAPS 1 to 4 or Manager (P&IR), RAPS 1 to 4, Rajasthan Atomic Power Station 1 to 4, P.O. : Anushakti, Via Kota, Rajasthan-323303.	Premises (Office and Residential) belonging to or under the management of the Nuclear Power Corporation of India Ltd. at Rajasthan Atomic Power Station 1 & 2 and in Rajasthan Atomic Power Station 3 & 4, in Rawatbhatta, Kherli (Anushakti), Vikram Nagar, Bhabha Nagar in Tehsil Begun, Dist. Chittorgarh, (Rajasthan).
5.	Dy. Gen. Manager (P&IR) or Sr. Manager (P&IR), or Manager (P&IR), Kudankulam Nuclear Power Project, P.O. : Kudankulam, Taluk : Radhapuram, District : Tirunelveli, Tamil Nadu-627106.	Premises (Office and Residential) belonging to or under the management of the Nuclear Power Corporation of India Ltd. at Kudankulam Nuclear Power Project, P.O. : Kudankulam, Taluk : Radhapuram, District : Tirunelveli and Nagercoil, Tamil Nadu.
6.	Dy. Gen. Manager (P&IR), RAPS 5 & 6 or Sr. Manager (P&IR), RAPS 5 & 6 or Manager (P&IR), RAPS 5 & 6, Rajasthan Atomic Power Project 5 & 6, P.O. : Anushakti, Via : Kota, Rajasthan-323303.	Premises (Office and Residential) belonging to or under the management of the Nuclear Power Corporation of India Ltd. at Rajasthan Atomic Power Project 5 & 6 in Rawatbhatta, Kherli (Anushakti), Bhabha Nagar in Tehsil Begun, Dist. Chittorgarh, (Rajasthan).

[No. 1/11 (33)/94-Power/510]

UMA MAHADEVAN, Dy. Secy.

विद्युत मंत्रालय

नई दिल्ली, 30 जून, 2004

का.आ.1674.—सरकारी स्थान (अप्राधिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार विद्युत मंत्रालय, भारत सरकार की अधिसूचना सं. का.आ. 1258, दिनांक 27 मार्च, 2002 में निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में सारणी के नीचे क्रम संख्या 1 तथा उससे संबंधित प्रविष्टियों के लिए निम्नलिखित प्रतिस्थापित किया जाएगा अर्थात्—

क्रम संख्या	अधिकारी का नाम एवं पदनाम	सरकारी स्थान की श्रेणी और क्षेत्राधिकार की स्थानीय सीमाएं
"1.	श्री सी.एस. भण्डारी, सहायक अधिकारी (मानव संसाधन), अंता गैस पावर प्रोजेक्ट	नेशनल थर्मल पावर कारपोरेशन लिमिटेड, पो.आ. अंता, जिला (बारां), राजस्थान के स्वामित्व वाली/पट्टे व किराये की सभी भूमि, क्वार्टर, संपदा एवं परिसंपत्तियां एवं अन्य आवास।"।

[फा.सं. 8/6/1992-थर्मल-I]

अरविन्द जाधव, संयुक्त सचिव

पाद टिप्पणी : मूल अधिसूचना संख्या का.आ. 1258, दिनांक 27 मार्च, 2002 को भारत के राजपत्र भाग-II, खंड 3, उप-खंड (ii) में दिनांक 13 अप्रैल, 2002 को प्रकाशित किया गया था।

MINISTRY OF POWER

New Delhi, the 30th June, 2004

S.O. 1674.—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 (40 of 1971), the Central Government hereby makes the following amendments in the notification of the Government of India in the Ministry of Power number S.O. 1258, dated the 27th March, 2002, namely :—

In the said notification, below the Table, for serial number 1 and the entries relating thereto, the following shall be substituted, namely :—

Sl. No.	Name and designation of officer	Categories of the public premises and local limits of jurisdiction
"1.	Shri C.S. Bhandari, Assistant Officer (Human Resources), Anta Gas Power Project	All lands, quarters, estate properties and other accommodations owned/ leased and rented by National Thermal Power Corporation Limited. P.O. Anta Distt. (Baran), Rajasthan.".

[F. No. 8/6/1992-Th.I]

ARVIND JADHAV, Jt. Secy.

Footnote : The principal notification number S.O. 1258, dated the 27th March, 2002 was published in the Gazette of India, Part II, Section 3, Sub-section (ii) dated the 13th April, 2002.

नई दिल्ली, 30 जून, 2004

का.आ. 1675.—सरकारी स्थान (अप्राधिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार विद्युत मंत्रालय, भारत सरकार की अधिसूचना सं.का.आ. 128, दिनांक 16 नवम्बर, 2000 में निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में सारणी के नीचे क्रम संख्या 3 तथा उससे संबंधित प्रविष्टियों के लिए निम्नलिखित प्रतिस्थापित किया जाएगा अर्थात् :—

क्रम संख्या	अधिकारी का नाम एवं पदनाम	सरकारी स्थान की श्रेणी और क्षेत्राधिकार की स्थानीय सीमाएं
"3.	श्री वी. सुधाकर राव, उप प्रबंधक (मा.सं.-संपदा), रामागुंडम सुपर थर्मल पावर प्रोजेक्ट	नेशनल थर्मल पावर कारपोरेशन लिमिटेड, रामागुंडम सुपर थर्मल पावर प्रोजेक्ट, ज्योतिनगर, पो.आ. जिला करीमनगर, आंध्र प्रदेश के स्वामित्व वाली/पट्टे व किराये की सभी भूमि, क्वार्टर, संपदा एवं परिसंपत्तियां एवं अन्य आवास।"।

[फा.सं. 8/6/1992-थर्मल-I]

अरविन्द जाधव, संयुक्त सचिव

पाद टिप्पणी : मूल अधिसूचना संख्या का.आ. 128, दिनांक 16 नवंबर, 2000 को भारत के राजपत्र भाग-II, खंड 3, उप-खंड (ii) में दिनांक 27 जनवरी, 2001 को प्रकाशित किया गया था।

New Delhi, the 30th June, 2004

S.O. 1675.—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby makes the following amendments in the notification of the Government of India in the Ministry of Power number S.O. 128, dated the 16th November, 2000, namely :—

In the said notification, below the Table, for serial number 3 and the entries relating thereto, the following shall be substituted, namely :—

Sl. No.	Name and designation of officer	Categories of the public premises and local limits of jurisdiction
"3.	Shri V. Sudhakar Rao, Dy. Manager (HR-Estate), Ramagundam Super Thermal Power Project	All lands, quarters, estate properties and other accommodations owned/ leased and rented by National Thermal Power Corporation Limited, Ramagundam Super Thermal Power Project, Jyothinagar, P.O. Karimnagar, Distt. Andhra Pradesh.".

[F. No. 8/6/1992-Th.I]

ARVIND JADHAV, Jt. Secy.

Footnote : The principal notification number S.O. 128, dated the 16th November, 2000 was published in the Gazette of India, Part II, Section 3, Sub-section (ii) dated the 27th January, 2001.

नई दिल्ली, 30 जून, 2004

का.आ. 1676.—सरकारी स्थान (अप्राधिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार विद्युत मंत्रालय, भारत सरकार की अधिसूचना सं.का.आ. 128, दिनांक 16 मार्च, 2000 में निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में सारणी के नीचे क्रम संख्या 4 तथा उससे संबंधित प्रविष्टियों के लिए निम्नलिखित प्रतिस्थापित किया जाएगा अर्थात् :—

क्रम संख्या	अधिकारी का नाम एवं पदनाम	सरकारी स्थान की श्रेणी और क्षेत्राधिकार की स्थानीय सीमाएं
"4.	श्री अमित कुमार अस्थाना, अधिकारी (मानव संसाधन), नेशनल थर्मल पावर कारपोरेशन, तालचेर थर्मल पावर स्टेशन	नेशनल थर्मल पावर कारपोरेशन लिमिटेड, द्वारा पट्टे पर ली गई अथवा उनसे संबंधित/स्वामित्व वाले और उनके तालचेर थर्मल पावर स्टेशन के प्रशासनिक नियंत्रण वाले सभी परिसर।"।

[फा.सं. 8/6/1992-थर्मल-I]

अरविन्द जाधव, संयुक्त सचिव

पाद टिप्पणी : मूल अधिसूचना संख्या का.आ. 128, दिनांक 16 नवम्बर, 2000 को भारत के राजपत्र भाग-II, खंड 3, उप-खंड (ii) में दिनांक 27 जनवरी, 2001 को प्रकाशित किया गया था।

New Delhi, the 30th June, 2004

S.O. 1676.—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 (40 of 1971), the Central Government hereby makes the following amendments in the notification of the Government of India in the Ministry of Power number S.O. 128, dated the 16th November, 2000 namely :—

In the said notification, below the Table, for serial number 4 and the entries relating thereto, the following shall be substituted, namely :—

Sl. No.	Name and designation of officer	Categories of the public premises and local limits of jurisdiction
"4.	Shri Amit Kumar Asthana, Officer (Human Resources) National Thermal Power Corporation, Talcher Thermal Power Station.	All Premises owned/ belonging to or taken on lease by National Thermal Power Corporation Limited, and under the administrative control of its Talcher Thermal Power Station.".

[F. No. 8/6/1992-Th.I]

ARVIND JADHAV, Jt. Secy.

Footnote : The principal notification number S.O. 128, dated the 16th November, 2000 was published in the Gazette of India, Part II, Section 3, Sub-section (ii) dated the 27th January, 2001.

खाद्य प्रसंस्करण उद्योग मंत्रालय

आदेश

नई दिल्ली, 7 जुलाई, 2004

का.आ. 1677.—मॉस खाद्य उत्पाद आदेश, 1973 के खंड 3 के उप-खंड (1) के अनुसरण में, केन्द्रीय सरकार एतद्द्वारा मांस खाद्य उत्पाद परामर्शदात्री समिति का पुनर्गठन करती है जिनमें निम्नलिखित व्यक्ति शामिल हैं, अर्थात्:—

अध्यक्ष :

लाइसेंसिंग प्राधिकारी और संयुक्त सचिव, भारत सरकार, खाद्य प्रसंस्करण उद्योग मंत्रालय (श्री ए. एन.पी. सिन्हा)

सदस्य :

(क) पशुपालन आयुक्त, भारत सरकार अथवा उनका नामिती।

(ख) स्वास्थ्य सेवा महानिदेशक, भारत सरकार अथवा उनका नामिती।

(ग) निदेशक, भारतीय पशुचिकित्सा अनुसंधान संस्थान, इज्जतनगर, उत्तर प्रदेश अथवा उनका नामिती।

(घ) कार्यापालक निदेशक, खाद्य और पोषण बोर्ड, महिला एवं बाल विकास विभाग, भारत सरकार अथवा उनका नामिती।

(ङ) निदेशक, केंद्रीय खाद्य प्रौद्योगिकी अनुसंधान संस्थान, मैसूर अथवा उनका नामिती।

(च) पशुपालन निदेशक, उत्तर प्रदेश।

(छ) पशुपालन निदेशक, तमिलनाडु।

(ज) मैसर्स एलानासंस लि., मुम्बई, महाराष्ट्र।

(झ) मैसर्स वेंकटेश्वर हेचरीज प्रा. लि., नई दिल्ली।

(ण) उप कृषि विपणन सलाहाकर, खाद्य प्रसंस्करण उद्योग मंत्रालय, भारत सरकार—सदस्य सचिव।

2. सलाहकार समिति का कार्यालय इस आदेश के भारत के राजपत्र में प्रकाशन की तारीख से दो वर्षों की अवधि के लिए होगा।

3. इस समिति का सदस्य उस अवधि के लिए पद पर रहेगा जिसके लिए समिति का गठन किया गया है।

बशर्ते कि सदस्य समिति के अध्यक्ष को लिखित में सूचना देकर अपने पद से त्यागपत्र दे सकता है।

4. समिति की बैठक के लिए गणपूर्ति पांच होगी, परंतु समिति अपनी सदस्यता में किसी रिक्ति के बावजूद भी कार्य कर सकती है।

5. समिति जैसा वह उपयुक्त समझे अपनी कार्रवाई विनियमित कर सकती है परंतु किसी मामले पर समिति के वोट समान रूप से विभाजित होने की स्थिति में अध्यक्ष अथवा समिति की बैठक की अध्यक्षता करने वाला व्यक्ति निर्णायक मत का उपयोग करेगा।

6. इस समिति का कार्य मांस खाद्य उत्पाद उद्योग से संबंध रखने वाले किसी मामले में केंद्र सरकार की सहायता करना और सलाह देना होगा।

[फा. सं. 11 (13)/9/2004-एम एंड एम पी डैस्क]

जे. पी. शुक्ल, निदेशक

MINISTRY OF FOOD PROCESSING INDUSTRIES

ORDER

New Delhi, the 7th July, 2004

S.O. 1677.—In pursuance of sub-clause (1) of clause 3 of the Meat Food Products Order, 1973, the Central Government hereby reconstitute the Meat Food Products Advisory Committee consisting of the following persons, namely :—

Chairman :

Licensing Authority & Joint Secretary, Government of India, Ministry of Food Processing Industries (Shri A.N.P. Sinha)

Members :

(a) Animal Husbandry Commissioner, Government of India or his nominee.

(b) Director General of Health Services, Government of India or his nominee.

(c) Director, Indian Veterinary Research Institute, Izzatnagar, U.P. or his nominee.

(d) Executive Director, Food & Nutrition Board, Deptt. of Women and Child Development, Government of India or his nominee.

(e) Director, Central Food Technological Research Institute, Mysore or his nominee.

(f) Director of Animal Husbandry, Uttar Pradesh

(g) Director of Animal Husbandry, Tamil Nadu

(h) M/s. Allanasons Ltd., Mumbai, Maharashtra

(i) M/s. Venkateshwara Hatcheries Pvt. Ltd., New Delhi

(j) Deputy Agricultural Marketing Adviser, Ministry of Food Processing Industries, Government of India—**Member Secretary**

2. The tenure of the Advisory Committee shall be for a period of two years from the date of publication of this Order in the Gazatte of India.

3. A Member of the Committee shall hold office for the period for which the Committee has been constituted :

Provided that a Member may resign his office by notice in writing given to the Chairman of the Committee.

4. The quorum for a meeting of the committee shall be five, but the Committee may act notwithstanding any vacancy in its membership.

5. The Committee may regulate its proceedings in such manner as it thinks fit, but on any matter on which the votes of the Committee are equally divided, the Chairman or the person presiding at a meeting of the Committee shall have a casting vote.

6. The functions of the Committee shall be to aid and advise the Central Government in dealing with any matter pertaining to Meat Food Products Industry.

[F. No. 11(13)/9/2004-M&MP Desk]

J. P. SHUKLA, Director

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

भारतीय मानक ब्यूरो

नई दिल्ली, 2 जुलाई, 2004

का.आ. 1678.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि नीचे अनुसूची में दिये गये मानक(कों) में संशोधन किया गया/किये गये हैं :—

अनुसूची

क्र. सं.	संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	आईएस 33 : 1992	संशोधन सं. 1 जनू, 2003	30-06-2003
2.	आईएस 101 : (भाग 2/खंड 4)	संशोधन सं. 1 जनू, 2003	30-06-2003
3.	आईएस 101 : (भाग 6/खंड 1)	संशोधन सं. 1 जनू, 2003	30-06-2003
4.	आईएस 254 : 1973	संशोधन सं. 1 मई, 2003	03-09-2003
5.	आईएस 265 : 1993	संशोधन सं. 5 अगस्त 2003	10-09-2003
6.	आईएस 354 : (भाग 4) : 1986	संशोधन सं. 2 जून 2003	30-06-2003
7.	आईएस 336 : 1973	संशोधन सं. 1 मार्च 2003	31-03-2003
8.	आईएस 376 : 1986	संशोधन सं. 1 मई 2003	31-05-2003

(1)	(2)	(3)	(4)
9.	आईएस 411 : 1991	संशोधन सं. 1 जून 2003	03-09-2003
10.	आईएस 428 : 2000	संशोधन सं. 1 जून 2003	20-10-2003
11.	आईएस 854 : 1991	संशोधन सं. 1 जून 2003	30-06-2003
12.	आईएस 862 : 1990	संशोधन सं. 1 जून 2003	30-06-2003
13.	आईएस 864 : 1990	संशोधन सं. 1 जून 2003	30-06-2003
14.	आईएस 1244 : 1990	संशोधन सं. 1 जून 2003	30-06-2003
15.	आईएस 1245 : 1990	संशोधन सं. 1 जून 2003	30-06-2003
16.	आईएस 1246 : 1978	संशोधन सं. 2 जुलाई 2003	31-07-2003
17.	आईएस 1460 : 2000	संशोधन सं. 2 मई 2003	31-05-2003
18.	आईएस 1571 : 2001	संशोधन सं. 2 अगस्त 2003	31-08-2003
19.	आईएस 1622 : 1981	संशोधन सं. 4 मई 2003	31-05-2003
20.	आईएस 1664 : 2002	संशोधन सं. 1 अगस्त 2003	15-03-2004
21.	आईएस 1763 : 1961	संशोधन सं. 2 2 अप्रैल 2003	30-04-2003
22.	आईएस 1774 : 1986	संशोधन सं. 2 2 जुलाई 2003	31-07-2003
23.	आईएस 1814 : 1990	संशोधन सं. 1 जून 2003	30-06-2003
24.	आईएस 1989 (भाग 1) : 1986	संशोधन सं. 4 जून 2003	23-03-2004
25.	आईएस 2202 (भाग 1) : 1999	संशोधन सं. 1 जून 2003	26-08-2003
26.	आईएस 2483 : 1986	संशोधन सं. 2 मई 2003	31-05-2003
27.	आईएस 2548 (भाग 2) : 1996	संशोधन सं. 1 जून 2003	01-09-2003
28.	आईएस 2681 : 1993	संशोधन सं. 2 अप्रैल 2003	01-09-2003
29.	आईएस 2796 : 2000	संशोधन सं. 2 फरवरी 2003	28-02-2003
30.	आईएस 3025 (भाग 27) : 1986	संशोधन सं. 1 अप्रैल 2003	30-04-2003
31.	आईएस 3025 (भाग 43) : 1992	संशोधन सं. 2 मार्च 2003	31-03-2003
32.	आईएस 3025 (भाग 45) : 1993	संशोधन सं. 1 अप्रैल 2003	30-04-2003
33.	आईएस 3025 (भाग 46) : 1994	संशोधन सं. 2 मार्च 2003	31-03-2003
34.	आईएस 3025 (भाग 47) : 1994	संशोधन सं. 2 अप्रैल 2003	30-04-2003
35.	आईएस 3104 (भाग 1) : 1982	संशोधन सं. 1 फरवरी 2003	03-07-2003
36.	आईएस 3401 : 1992	संशोधन सं. 1 मई 2003	31-05-2003
37.	आईएस 3736 : 1995	संशोधन सं. 3 सितम्बर 2003	16-02-2004
38.	आईएस 4576 : 1999	संशोधन सं. 1 मई 2003	31-05-2003
39.	आईएस 5195 : 1969	संशोधन सं. 1 मई 2003	31-05-2003
40.	आईएस 5277 : 1978	संशोधन सं. 5 अक्तूबर 2003	13-01-2004
41.	आईएस 5641 : 1993	संशोधन सं. 1 जून 2003	30-06-2003
42.	आईएस 5756 : 1970	संशोधन सं. 1 जून 2003	30-06-2003
43.	आईएस 6092 (भाग 1) : 1985	संशोधन सं. 1 मई 2003	31-05-2003
44.	आईएस 6673 : 1972	संशोधन सं. 2 मार्च 2003	31-03-2003
45.	आईएस 7133 : 1985	संशोधन सं. 1 जुलाई 2003	31-07-2003
46.	आईएस 7394 : 1984	संशोधन सं. 1 जून 2003	30-06-2003

(1)	(2)	(3)	(4)
47.	आईएस 7408 (भाग 1) : 2000	संशोधन सं. 1 मई 2003	31-05-2003
48.	आईएस 7408 (भाग 2) : 2000	संशोधन सं. 1 मई 2003	31-05-2003
49.	आईएस 7408 (भाग 3) : 2000	संशोधन सं. 1 मई 2003	31-05-2003
50.	आईएस 7497 : 1985	संशोधन सं. 2 अप्रैल 2003	30-04-2003
51.	आईएस 7792 : 1975	संशोधन सं. 1 अगस्त 2003	31-08-2003
52.	आईएस 7803 (भाग 1) : 1975	संशोधन सं. 2 जुलाई 2003	31-07-2003
53.	आईएस 7803 (भाग 2) : 1975	संशोधन सं. 2 जुलाई 2003	31-07-2003
54.	आईएस 7884 : 1992	संशोधन सं. 5 मार्च 2003	23-03-2004
55.	आईएस 7959 : 1987	संशोधन सं. 1 जून 2003	30-06-2003
56.	आईएस 8134 : 1996	संशोधन सं. 1 अप्रैल 2003	30-04-2003
57.	आईएस 8135 : 1996	संशोधन सं. 1 मार्च 2003	31-03-2003
58.	आईएस 8688 : 1988	संशोधन सं. 1 जुलाई 2003	31-07-2003
59.	आईएस 9428 : 1993	संशोधन सं. 2 जुलाई 2003	31-07-2003
60.	आईएस 9738 : 1990	संशोधन सं. 1 जून 2003	30-06-2003
61.	आईएस 9754 : 1981	संशोधन सं. 2 जून 2003	30-06-2003
62.	आईएस 9907 : 1981	संशोधन सं. 3 जून 2003	30-06-2003
63.	आईएस 10228 : 1982	संशोधन सं. 1 अप्रैल 2003	30-04-2003
64.	आईएस 10321 (भाग 2) : 1982	संशोधन सं. 1 मार्च 2003	31-03-2003
65.	आईएस 10357 : 1990	संशोधन सं. 1 अप्रैल 2003	30-04-2003
66.	आईएस 10358 : 1991	संशोधन सं. 1 अप्रैल 2003	30-04-2003
67.	आईएस 10387 : 1990	संशोधन सं. 1 अप्रैल 2003	30-04-2003
68.	आईएस 10466 : 1983	संशोधन सं. 1 जून 2003	30-06-2003
69.	आईएस 10840 : 1994	संशोधन सं. 4 जुलाई 2003 *	31-07-2003
70.	आईएस 11239 (भाग 14) : 1992	संशोधन सं. 1 जुलाई 2003	31-07-2003
71.	आईएस 11584 : 1986	संशोधन सं. 4 जून 2003	30-06-2003
72.	आईएस 11805 : 1989	संशोधन सं. 1 जुलाई 2003	31-07-2003
73.	आईएस 12007 : 1987	संशोधन सं. 1 जून 2003	30-06-2003
74.	आईएस 12395 : 1988	संशोधन सं. 2 जुलाई 2003	31-07-2003
75.	आईएस 12512 : 1989	संशोधन सं. 2 जुलाई 2003	31-07-2003
76.	आईएस 12724 : 1989	संशोधन सं. 2 जुलाई 2003	31-07-2003
77.	आईएस 12734 : 2002	संशोधन सं. 1 जुलाई 2003	31-07-2003
78.	आईएस 12765 : 1989	संशोधन सं. 3 मई 2003	31-05-2003
79.	आईएस 12787 : 1989	संशोधन सं. 1 जून 2003	30-06-2003
80.	आईएस 12883 : 1989	संशोधन सं. 2 जुलाई 2003	31-07-2003
81.	आईएस 12887 : 1989	संशोधन सं. 2 जुलाई 2003	31-07-2003
82.	आईएस 12906 : 1990	संशोधन सं. 2 जुलाई 2003	31-07-2003
83.	आईएस 12923 : 1990	संशोधन सं. 2 जुलाई 2003	31-07-2003
84.	आईएस 12924 : 1990	संशोधन सं. 2 जुलाई 2003	31-07-2003

(1)	(2)	(3)	(4)
85.	आईएस 13057 : 1991	संशोधन सं. 1 मई 2003	31-05-2003
86.	आईएस 13123 : 2000	संशोधन सं. 1 जून 2003	30-06-2003
87.	आईएस 13264 : 1991	संशोधन सं. 1 सितम्बर 2003	30-09-2003
88.	आईएस 13286 : 1992	संशोधन सं. 1 जुलाई 2003	31-07-2003
89.	आईएस 13289 : 1993	संशोधन सं. 1 जून 2003	30-06-2003
90.	आईएस 13560 : 1992	संशोधन सं. 1 जून 2003	30-06-2003
91.	आईएस 13607 : 1992	संशोधन सं. 1 मई 2003	31-05-2003
92.	आईएस 13952 : 1994	संशोधन सं. 1 जुलाई 2003	31-07-2003
93.	आईएस 14129 : 1994	संशोधन सं. 1 जुलाई 2003	31-07-2003
94.	आईएस 14151 (भाग 1) : 1999	संशोधन सं. 3 मार्च 2003	19-06-2003
95.	आईएस 14294 : 1995	संशोधन सं. 1 जुलाई 2003	31-07-2003
96.	आईएस 14400 : 1996	संशोधन सं. 1 जुलाई 2003	31-07-2003
97.	आईएस 14421 : 1997	संशोधन सं. 1 मार्च 2003	31-03-2003
98.	आईएस 14636 : 1998	संशोधन सं. 1 जुलाई 2003	31-07-2003
99.	आईएस 14647 : 1999	संशोधन सं. 1 अगस्त 2003	31-08-2003
100.	आईएस 14928 : 2001	संशोधन सं. 1 अगस्त 2004	05-03-2004

इन संशोधनों की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना, पूणे तथा तिरूवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[सं. के.प्र. वि.-1/13 : 5]

एस. के. चौधरी, उप महानिदेशक (मुहर)

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

BUREAU OF INDIAN STANDARDS

New Delhi, the 2nd July, 2004

S.O. 1678.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendments to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued :

SCHEDULE

Sl. No.	No. and year of the Indian Standards	No. and year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
1.	IS 33 : 1992	Amendment No. 1 June 2003	30-06-2003
2.	IS 101 (Part 2/ Sec 4)	Amendment No. 2 June 2003	30-06-2003
3.	IS 101 (Part 6/ Sec 1)	Amendment No. 1 June 2003	30-06-2003
4.	IS 254 : 1973	Amendment No. 1 May 2003	03-09-2003
5.	IS 265:1993	Amendment No. 5 August 2003	10-09-2003
6.	IS 354 (Part 4): 1986	Amendment No. 2 June 2003	30-06-2003
7.	IS 336:1973	Amendment No. 1 March 2003	31-03-2003
8.	IS 376:1986	Amendment No. 1 May 2003	31-05-2003
9.	IS 411:1991	Amendment No. 1 June 2003	03-09-2003
10.	IS 428: 2000	Amendment No. 1 June 2003	20-10-2003
11.	IS 854:1991	Amendment No. 1 June 2003	30-06-2003
12.	IS 862:1990	Amendment No. 1 June 2003	30-06-2003

(1)	(2)	(3)	(4)
13.	IS 864:1990	Amendment No. 1 June 2003	30-06-2003
14.	IS 1244:1990	Amendment No. 1 June 2003	30-06-2003
15.	IS 1245:1990	Amendment No. 1 June 2003	30-06-2003
16.	IS 1246:1978	Amendment No. 2 July 2003	31-07-2003
17.	IS 1460: 2000	Amendment No. 2 May 2003	31-05-2003
18.	IS 1571: 2001	Amendment No. 2 August 2003	31-08-2003
19.	IS 1622: 1981	Amendment No. 4 May 2003	31-05-2003
20.	IS 1664:2002	Amendment No. 1 August 2003	15-03-2004
21.	IS 1763:1961	Amendment No. 2 April 2003	30-04-2003
22.	IS 1774:1986	Amendment No. 2 July 2003	31-07-2003
23.	IS 1814:1990	Amendment No. 1 June 2003	30-06-2003
24.	IS 1989 (Part1): 1986	Amendment No. 4 June 2003	23-03-2004
25.	IS 2202 (Part 1): 1999	Amendment No. 1 June 2003	26-08-2003
26.	IS 2483 : 1986	Amenedment No. 2 May 2003	31-05-2003
27.	IS 2548 (Part 2): 1996	Amendment No. 1 June 2003	01-09-2003
28.	IS 2681:1993	Amendment No. 2 April 2003	01-09-2003
29.	IS 2796:2000	Amendment No. 2 Feb 2003	28-02-2003
30.	IS 3025 (Part 27): 1986	Amendment No. 1 April 2003	30-04-2003
31.	IS 3025 (Part 43): 1992	Amendment No. 1 March 2003	31-03-2003
32.	IS 3025 (Part 45): 1993	Amendment No. 1 April 2003	30-04-2003
33.	IS 3025 (Part 46): 1994	Amendment No. 2 March 2003	31-03-2003
34.	IS 3025 (part 47): 1994	Amendment No. 2 April 2003	30-04-2003
35.	IS 3104 (Part 1): 1982	Amendment No. 1 Feb. 2003	03-07-2003
36.	IS 3401:1992	Amendment No. 1 May 2003	31-05-2003
37.	IS 3736:1995	Amendment No. 3 Septmeber 2003	16-02-2004
38.	IS 4576:1999	Amendment No. 1 May 2003	31-05-2003
39.	IS 5195:1969	Amendment No. 1 May 2003	31-05-2003
40.	IS 5277:1978	Amendment No. 5 October 2003	13-01-2004
41.	IS 5641:1993	Amendment No. 1 June 2003	30-06-2003
42.	IS 5756:1970	Amendment No. 1 June 2003	30-06-2003
43.	IS 6092 (Part 1): 1985	Amendment No. 1 May 2003	31-05-2003
44.	IS 6673:1972	Amendment No. 2 March 2003	31-03-2003
45.	IS 7133:1985	Amendment No. 1 July 2003	31-07-2003
46.	IS 7394:1984	Amendment No. 1 June 2003	30-06-2003
47.	IS 7408 (Part 1): 2000	Amendment No. 1 May 2003	31-05-2003
48.	IS 7408 (Part 2): 2000	Amendment No. 1 May 2003	31-05-2003
49.	IS7408 (Part 3): 2000	Amendment No. 1 May 2003	31-05-2003
50.	IS 7497:1985	Amendment No. 2 April 2003	30-04-2003
51.	IS 7792: 1975	Amendment No. 1 August 2003	31-08-2003
52.	IS 7803 (Part 1): 1975	Amendments No. 2 July 2003	31-07-2003
53.	IS 7803 (Part 2): 1975	Amendment No. 2 July 2003	31-07-2003
54.	IS 7884:1992	Amendment No. 5 March 2003	23-03-2004
55.	IS 7959: 1987	Amendment No. 1 June 2003	30-06-2003
56.	IS 8134: 1966	Amendment No. 1 April 2003	30-04-2003
57.	IS 8135: 1996	Amendment No. 1 March 2003	31-03-2003
58.	IS 8688:1988	Amendment No. 1 July 2003	31-07-2003

(1)	(2)	(3)	(4)
59.	IS 9428: 1993	Amendment No. 2 July 2003	31-07-2003
60.	IS 9738: 1990	Amendment No. 1 June 2003	30-06-2003
61.	IS 9754: 1981	Amendment No. 2 June 2003	30-06-2003
62.	IS 9907: 1981	Amendment No. 3 June 2003	30-06-2003
63.	IS 10228: 1982	Amendment No. 1 April 2003	30-04-2003
64.	IS 10321 (Part 2): 1982	Amendment No. 1 March 2003	31-03-2003
65.	IS 10357: 1990	Amendment No. 1 April 2003	30-04-2003
66.	IS 13058:1991	Amendment No. 1 April 2003	30-04-2003
67.	IS 10387: 1990	Amendment No. 1 April 2003	30-04-2003
68.	IS 10466: 1983	Amendment No. 1 June 2003	30-06-2003
69.	IS 10840: 1994	Amendment No. 4 July 2003	31-07-2003
70.	IS 11239 (Part 14): 1992	Amendment No. 1 July 2003	31-07-2003
71.	IS 11584: 1986	Amendment No. 4 June 2003	30-06-2003
72.	IS 11805: 1989	Amendment No. 1 July 2003	31-07-2003
73.	IS 12007 :1987	Amendment No. 1 June 2003	30-06-2003
74.	IS 12395: 1988	Amendment No. 2 July 2003	31-07-2003
75.	IS 12512: 1989	Amendment No. 2 July 2003	31-07-2003
76.	IS 12724: 1989	Amendment No. 2 July 2003	31-07-2003
77.	IS 12734: 2002	Amendment No. 1 July 2003	31-07-2003
78.	IS 12765: 1989	Amendment No. 3 May 2003	31-05-2003
79.	IS 12787: 1989	Amendment No. 1 June 2003	30-06-2003
80.	IS 12883: 1989	Amendment No. 2 July 2003	31-07-2003
81.	IS 12887: 1989	Amendment No. 2 July 2003	31-07-2003
82.	IS 12906: 1990	Amendment No. 2 July 2003	31-07-2003
83	IS 12923: 1990	Amendment No. 2 July 2003	31-07-2003
84.	IS 12924: 1990	Amendment No. 2 July 2003	31-07-2003
85.	IS 13057: 1991	Amendment No. 1 May 2003	31-05-2003
86.	IS 13123: 2000	Amendment No. 1 June 2003	30-06-2003
87.	IS 13264: 1991	Amendment No. 1 September 2003	30-09-2003
88.	IS 13286: 1992	Amendment No. 1 July 2003	31-07-2003
89.	IS 13289 : 1993	Amendment No. 1 June 2003	30-06-2003
90.	IS 13560 : 1992	Amendment No. 1 June 2003	30-06-2003
91.	IS 13607 : 1992	Amendment No. 1 May 2003	31-05-2003
92.	IS 13952: 1994	Amendment No. 1 July 2003	31-07-2003
93.	IS 14129: 1994	Amendment No. 1 July 2003	31-07-2003
94.	IS 14151 (Part I) : 1999	Amendment No. 3 March 2003	19-06-2003
95.	IS 14294: 1995	Amendment No. 1 July 2003	31-07-2003
96.	IS 14400: 1996	Amendment No. 1 July 2003	31-07-2003
97.	IS 14421 : 1997	Amendment No. 1 March 2003	31-03-2003
98.	IS 14636: 1998	Amendment No. 1 July 2003	31-07-2003
99.	IS 14647 : 1999	Amendment No. 1 August 2003	31-08-2003
100.	IS 14928: 2001	Amendment No. 1 August 2003	05-03-2004

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[No. : CMD-I/13 : 5]

S. K. CHAUDHURI, Dy. Director General (Marks)

नई दिल्ली, 6 जुलाई, 2004

का.आ. 1679.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के उपनियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं :—

अनुसूची

क्र. सं.	लाइसेंस संख्या	स्वीकृत करने की तिथि वर्ष/माह	लाइसेंस धारी का नाम व पता	भारतीय मानक का शीर्षक	भा मा संख्या	भाग	अनु.	वर्ष
(1)	(2)	(3)	(4)	(5)				(6)
1.	9347184	2002/08	सेवक इंडस्ट्रीज गांव जोरियन पीछे-चाँदपुर वर्क्स यमुनानगर	सामान्य प्रयोजन हेतु प्लाईवुड	00303			89
2.	9347285	2002/08	वीआरसी इंटरप्राइजिज प्रा. लि., ई-7 यूपीएसआईडीसी इंड. एरिया, चिह्नात लखनऊ	गहराई से पानी निकालने के हथबरमे	14101			94
3.	9347386	2002/08	श्री श्याम एक्वा प्रा. लि., समीप गोपाल देव चौक नारनौल रोड कुतबपुर रेवाड़ी-123 401	पैकेजबन्द मिनरल वॉटर (पैकेजबन्द प्राकृतिक मिनरल जल के अलावा)	14543			98
4.	9347487	2002/08	फाराडेज इंजीनियरिंग इंड. प्रा. लि., गाँव बरोतीवाला जिला सोलन	अल्पदाब द्रवणीय गैसों के लिए 5-लिटर से अधिक जल क्षमता वाले वेल्डित अल्प कार्बन इस्पात के सिलिंडर	03196	01		92
5.	9347588	2002/08	जनरल इंजीनियरिंग वर्क्स 12/2 मील पत्थर मथुरा रोड, फरीदाबाद	पूर्व प्रतिबलित कंक्रीट के लिए बिना लेपित प्रतिबल मुक्त तार	06006			83
6.	9347689	2002/8	प्रगति इंडस्ट्रीज वीपीओ डामला दिल्ली रोड, यमुनानगर	सामान्य प्रयोजन हेतु प्लाईवुड	00303			89
7.	9347790	2002/08	गोल्डन ट्यूरिस्ट रिसोर्टस एंड डवलपुर लि., गाँव झरमरी तहसील-डेराबस्सी जिला पटियाला	पैकेजबन्द मिनरल वॉटर (पैकेजबन्द प्राकृतिक मिनरल जल के अलावा)	14543			98
8.	9347891	2002/08	कृष्णा सिलिंडर्स नसीरपुर हिसार रोड, अम्बाला शहर-134 003	अल्पदाब द्रवणीय गैसों के लिए 5-लिटर से अधिक जल क्षमता वाले वेल्डित अल्प कार्बन इस्पात के सिलिंडर	03196			92

(1)	(2)	(3)	(4)	(5)		(6)	
9.	9347992	2002/08	हिक्स थर्मोमीटर (इंडिया) लि., ए-12 और 13 सी-26 इंडस्ट्रियल एस्टेट, अलीगढ़ 202 001	डक्टरी थर्मामीटर भाग 2 बंद पैमाना टाइप	03055	02	2002
10.	9348085	2002/08	हिक्स थर्मोमीटर (इंडिया) लि., ए-12 और 13 सी-26 इंडस्ट्रियल एस्टेट, अलीगढ़-202 001	डक्टरी थर्मामीटर भाग 1 ठोल नली टाइप	03055	01	94
11.	9348186	2002/08	एलटस फायर-टेक प्रा. लि., जथ्री रोड पीछे-एस.पी. कोल्ड स्टोर, कुंडली जिला : सोनीपत	सुबाह्य अग्निशामक	06234		86
12.	9348287	2002/09	वर्मा ज्वेलर्स चौक बाजार, सोलन	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभूषण/शिल्पकारी शुद्धता एवं मुहरांकन	01417		99
13.	9348388	2002/07	महाशे ज्वेलर्स 94 लॉअर बाजार, शिमला	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभूषण/शिल्पकारी शुद्धता एवं मुहरांकन	01417		99
14.	9348489	2002/08	एम टेक्नो इंजी. (इंडिया) प्रा. लि., गाँव दात्तौर तहसील-साँपला रोहतक	द्रवित पैट्रोलियम गैस के साथ उपयोग के लिए अल्पदाब रेग्यूलेटर	09798		95
15.	9348590	2002/08	आर.डी. सीमेंट इंडस्ट्रीज प्रा. लि., 128 गाँव चुरवा पोस्ट सेहगो बचरावन जिला रायबरेली	पोर्टलैंड पोजोलाना सीमेंट	01489	01	91
16.	9348691	2002/08	स्वरूप केमीकल्स (प्रा.) लि., गाँव उत्तरधउना तिवारीगंज चिन्हात लखनऊ	कीटनाशक फोरेट जी सम्पुटित	09359		95
17.	9348792	2002/08	सुधार्था स्टील उद्योग कुटीर देवोंधाट सोलन-73212	जस्तीकृत इस्पात की श्रृंखलानुमा बाड़ पर लगाने की जाली	02721		79
18.	9348893	2002/09	खैतान इलैक्ट्रिकल्स लि., प्लॉट नं. 14 सेक्टर 6, फरीदाबाद-121006	बिजली के छत के पंखे और रेग्यूलेटर	00374		79
19.	9348994	2002/07	क्रिस्टल फॉसफेटस लि., जी.टी. करनाल रोड़, वीपीओं नत्थुपुर जिला : सोनीपत	2, 4-डी ईथाइल ईस्टर ईसी	10243		93
20.	9349087	2002/08	पॉवर जिप 13 इंडस्ट्रियल एरिया 1, चंडीगढ़	द्रवचालित डोर क्लोजर	03564		95
21.	9349188	2002/08	न्यूट्रिसिया इंडिया प्रा.लि., डेयरी कॉम्पलैक्स कासगंज रोड़, एटाह	शिशु दुग्ध के वैकल्पिक आहार भाग 1 दुग्ध प्रोटीन से बने	14433	01	97

(1)	(2)	(3)	(4)	(5)	(6)		
22.	9349289	2002/09	हिन्दुस्तान इंजी. वर्क्स 3124 फेस 2 इंडस्ट्रियल एरिया चंडीगढ़	बिजली के छत के पंखे और रेग्यूलेटर	00374		79
23.	9349390	2002/08	अम्बाजी सीमेंट ग्राइंडर्स, 219-बी इंडस्ट्रियल ग्रोथ सेन्टर सम्बा जम्मू	पोर्टलैंड पोजोलाना सीमेंट	01489	02	91
24.	9349491	2002/08	लछमन दास ज्वेलर्स 2/209-बी शॉप नं. 1 और 2, एम.जी. रोड़, सम्मुख अन्जाना सिनेमा आगरा	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभूषण/शिल्पकारी शुद्धता एवं मुहरांकन	01417		99
25.	9349592	2002/08	शक्ति ग्रामोद्योग संस्थान सी-9 साइट सी सिकन्दरा इंडस्ट्रियल एरिया आगरा-282 007	पेयजल आपूर्ति के लिए गैर प्लास्टिकृत पीवीसी पाइप	04985		2000
26.	9349693	2002/08	सूर्या बोर्डस लि. 29 किमी रोहतक मील पत्थर रोहडनगर, रोहडनगर रेलवे स्टेशन रोड़, बहादुरगढ़	ब्लॉक बोर्ड	01659		90
27.	9349794	2002/09	आर.आर. कंक्रीट प्रॉडक्ट्स गाँव खेरी तागा पीओ गसोली, तहसील गानौर, जिला : सोनीपत	पूर्व ढलित कंक्रीट पाइप (प्रबलन सहित और रहित)	00458		88
28.	9349895	2002/09	आर.आर. कंक्रीट प्रॉडक्ट्स गाँव खेरी तागा पीओ गसोली, तहसील गानौर, जिला : सोनीपत	पूर्व ढ़लित कंक्रीट मेनहोल के ढक्कन	12592	01	88
29.	9349996	2002/08	चावला फायर प्रोटक्शन इंजीनियर 2095 एम आई ई बहादुरगढ़	सुवाह्य अग्निशामक	06234		86
30.	9350072	2002/09	डेकोरा इंडस्ट्रीज, 5 इंडस्ट्रियल एस्टेट, चम्बाघाट, सोलन	जस्तीकृत इस्पात की श्रृंखलानुमा ब्राड़ पर लगाने की जाली	02721		79
31.	9350173	2002/09	एम.डी. प्लाईवुड इंडस्ट्रीज, गाँव जोरियन (पुलिस नाका) यमुनानगर	ब्लॉक बोर्ड	01659		90
32.	9350274	2002/09	वीआरसी इंटरप्राइसेज प्रा. लि., ई-7 यूपीएसआईडीसी इंड. एरिया, चिन्हात, लखनऊ	गहराई से पानी निकालने के हथबरमे-घटक-स्टैनलेस स्टील	14105		94
33.	9350375	2002/09	ग्रान्डयूर (इंडिया) प्रा. लि., बी-7/2 मॉडर्न इंड. एस्टेट, बहादुरगढ़	बिजली के छत के पंखे और रेग्यूलेटर	00374		79

(1)	(2)	(3)	(4)	(5)		(6)	
34.	9350476	2002/09	सीएमआई लि., प्लॉट नं. 71 और 82, सेक्टर 6, फरीदाबाद-121 006	**पीवीसी रोधित (भारी कार्य) बिजली के केबल भाग-1 1100 वोल्ट तक की कार्यकारी वोल्टता के लिए**	01554	01	88
35.	9350577	2002/09	सीएमआई लि., प्लॉट नं. 71 और 82, सेक्टर 6, फरीदाबाद-121 006	**1100 वोल्ट तक की कार्यकारी वोल्टता के लिए पीवीसी रोधित केबल**	00694		90
36.	9350678	2002/09	वन्दना डिक्स प्रा. लि., नं. 227 मजार रोड जी.टी. रोड, सहनेवाल जिला : लुधियाना	**पैकेजबन्द मिनरल वॉटर (पैकेजबन्द प्राकृतिक मिनरल जल के अलावा)**	14543		98
37.	9350779	2002/09	स्टडी पॉलिमर्स लि., 21, इंडस्ट्रियल एरिया वादी जिला : सोलन	**भूमिगत दूरसंचार केबल संस्थापन के लिए अनम्यकृत पीवीसी पाइप और फिटिंग**	14787		2000
38.	9350880	2002/09	जिन्दल पॉलीटयूब्स (प्रा.) लि., 1-25 डीएलएफ इंड. एरिया, फेस 1, फरीदाबाद-121 003	**विद्युत् संस्थापन के लिए कंडयूट**	09537	03	83
39.	9350981	2002/09	श्री नाथ वुड इंडस्ट्रीज, गॉव कामीमाजरा पी ओ शादीपुर खजूरी रोड, यमुनानगर	**सामान्य प्रयोजन हेतु प्लाईवूड**	00303		89
40.	9351074	2002/09	श्री नाथ वुड इंडस्ट्रीज, गॉव कामीमाजरा पी ओ शादीपुर खजूरी रोड, यमुनानगर	**ब्लॉक बोर्ड**	01659		90
41.	9351175	2002/09	जी. डी. ह्यूम पाइप्स वीपीओ चेतरू जिला कॉगड़ा-176209	**पूर्व ढलित कंक्रीट पाइप (प्रबलन सहित और रहित)**	00458		88
42.	9351276	2002/09	गौरव इंडस्ट्रीज 263-तुलसी नगर स्टेशन रोड, ओरई	**पैकेजबन्द मिनरल वॉटर (पैकेजबंद प्राकृतिक मिनरल जल के अलावा)**	14543		98
43.	9351377	2002/09	पेंगुइन फूडस एण्ड बेवरेजिज (प्रा.) लि., जी. टी. रोड, गॉव नबीपुर जिला फतेहगढ सहिब	**पैकेजबन्द मिनरल वॉटर (पैकेजबंद प्राकृतिक मिनरल जल के अलावा)**	14543		98
44.	9351478	2002/09	ऐम डी प्लाईवुड इंडस्ट्रीज गॉव जोरियल (पुलिस नाका) यमुनानगर	**सामान्य प्रयोजन हेतु प्लाईवुड**	00303		89
45.	9351579	2002/09	मार्कण्डेश्वर फूडस एण्ड एलाइड प्रॉडक्टस लि. 166-167 किमी स्टोन जी. टी. रोड़ खानपुर कोलियाँ, कुरूक्षेत्र	**मलाई रहित दूध पाउडर**	13334	01	98
46.	9351680	2002/09	जैन ज्वेलर्स एससीएफ 8, सेक्टर 22, चण्डीगढ़	**स्वर्ण एवं स्वर्ण मिश्र धातुएं, आभूषण/शिल्पकारी शुद्धता एवं मुहरांकन**	01417		99

(1)	(2)	(3)	(4)	(5)	(6)		
47.	9351781	2002-09	हरियाणा पेनल प्रॉडक्टस खजुरी रोड, यमुनानगर	ब्लॉक बोर्ड	01659		90
48.	9351882	2002-09	हरियाणा पेनल प्रॉडक्टस खजूरी रोड, यमुनानगर	सामान्य प्रयोजन हेतु प्लाईवुड	00303		89
49.	9351983	2002-08	चीफ सांइटिफिक इंडस्ट्रीज 3704 पन्ना कॉटेज जगाधरी रोड़, अम्बाला छावनी 133001	विद्यार्थियों के लिए प्रयोग टाइप सूक्ष्मदर्शी	03686		66
50.	9352076	2002-08	चीफ सांइटिफिक इंडस्ट्रीज 3704 पन्ना कॉटेज जगाधरी रोड़, अम्बाला छावनी 133001	एक नेत्रिका वाली सूक्ष्मदर्शी विछेदन हेतु	4328		67
51.	9351177	2002-08	चीफ सांइटिफिक इंडस्ट्रीज 3704 पन्ना कॉटेज जगाधरी रोड़, अम्बाला छावनी 133001	सूक्ष्मदर्शी के लिए द्विनेत्रिकाएँ	08275		76
52.	9351278	2002-08	चीफ सांइटिफिक इंडस्ट्रीज 3704 पन्ना कॉटेज जगाधरी रोड़, अम्बाला छावनी 133001	रोग निदान हेतु सूक्ष्मदर्शी	04381		67
53.	9352379	2002-09	कानन पाइप इंडस्ट्रीज, एफ-2 फेस 8 इंडस्ट्रियल एरिया, एलटॉप काम्पलैक्स मोहाली	विद्युत संस्थापन् के लिए कंडयूट	09537	03	83
54.	9352480	2002-09	वर्धमान प्लाईवुड इंडस्ट्रीज प्रा. लि., 84-85 किमी स्टोन, गॉव बाहु अकबरपुर, हिसार रोड, रोहतक 124001	सामान्य प्रयोजन हेतु प्लाईवुड	00303		89
55.	9352581	2002-09	वर्धमान प्लाईवुड इंडस्ट्रीज प्रा. लि., 84-85 किमी स्टोन, गॉव बाहु अकबरपुर, हिसार रोड, रोहतक 124001	घरेलू सिलाई मशीन	01610		90
56.	9352682	2002-09	अग्रवाल स्टील्स, 139 इंड. एरिया, फेस 1, पंचकूला	पेडलॉक के साथ उपयोग के लिए मृदू इस्पात के सरकवां दरवाजों के काबले	00281		91
57.	9352783	2002-09	गर्ग इंडस्ट्रीज जी. टी. रोड़ माक्कर प्लेस गिधरवाहा 152101	1100 वोल्ट तक की कार्यकारी वोल्टता के लिए पीवीसी रोधित केबल	00694		90
58.	9352884	2002-09	प्रगति इंडस्ट्रीज बीपीओ डामला दिल्ली रोड़, यमुनानगर	ब्लॉक बोर्ड	01659		90

(1)	(2)	(3)	(4)	(5)	(6)		
59.	9352985	2002-09	प्रगति हाईटेक प्रॉडक्टस प्रा. लि., पंसारा सहारनपुर रोड़, यमुनानगर 153001	सामान्य प्रयोजन हेतु प्लाईवुड	00303		89
60.	9353078	2002-09	काशी ज्वेलर्स 59/37 बी बिरहाना रोड कानपुर	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभूषण/शिल्पकारी शुद्धता एवं मुहरांकन	01417		99
61.	9353179	2002-09	कैलाश मीटर्स 56 इंड. एरिया, हरथला मोरादाबाद 244001	ए सी स्थैतिक वाटघंटा मीटर वर्ग 1 और 2	13779		99
62.	9353280	2002-09	शिवा स्टील रोलिंग मिल्स इंड, एस्टेट, हाटली मोर कथुआ (जे एण्ड के)	कंक्रीट प्रबलन के लिए उच्च सामर्थ्य विन्धापित इस्पात के सरिए और तार	01786		85
63.	9353381	2002-09	हरिसर इंडस्ट्रियल कारपो., सी-155 फोकल प्वाइंट फेस 5, लुधियाना	लकड़ी के सपाट दरवाजों के शटर (ठोस कोर प्रकार) भाग 1 प्लाईवुड सतहयुक्त पल्ले	02202	01	99
64.	9353482	2002-09	आर. के. एम. फूड्स गॉव रानीपुर सुजानपुर जुगियाल रोड़ पठानकोट	बिस्कुट	01011		92
65.	9353583	2002-09	श्री नाथ जी प्लाई प्रॉडक्टस गॉव मकराबपुर, जगाधरी	ब्लॉक बोर्ड	01659		90
66.	9353684	2002-09	अनमोल पेंट्स इंडस्ट्रीज वीपीओ शेखे पुराना होशियार पुर रोड़, जालंधर	सीमेंट रंग रोगन	05410		92
67.	9353785	2002-09	शक्ति इंडस्ट्रीज जगेरा रोड़ अहमदगढ़, जिला संगरूर	पशुओं के लिए मिश्रित आहार	02052		79
68.	9353886	2002-10	ब्रिटनिया पेंट्स (प्रा.) लि., डलहौजी रोड़, पठानकोट	सीमेंट रंग रोगन	05410		92
69.	9353987	2002-08	हंस मेटल्स लि., यूपीएस आई डी सी इंडस्ट्रियल एरिया, भर्वा सुमेरपुर हमेरपुर	सामान्य संरचना इस्पात	02062		99
70.	9354080	2002-09	तलवार ज्वेलरी हाऊस एससीएफ 13 सेक्टर 22 डी, चंडीगढ़ 160022	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभूषण/शिल्पकारी शुद्धता एवं मुहरांकन	01417		99
71.	9354181	2002-10	हिमाचल प्लाईवुड प्रा. लि., 1-2 इंडस्ट्रियल एरिया, शम्शी कुल्लू	बोतलबन्द प्राकृतिक खनिज जल	13428		98
72.	9354282	2002-09	सिंघल ट्यूब्स 116-1 उद्योग नगर, कानपुर	विद्युत संस्थापन के लिए कंडयूट	09537	03	83

(1)	(2)	(3)	(4)	(5)		(6)	
73.	9354383	2002-09	जे जे केमीकल्स, बी/एस 262, ईस्ट मोहन नगर इंड. एरिया, अमृतसर 143006	जिंक सल्फेट हैप्टाहाइड्रेट, कृषि ग्रेड	08249		94
74.	9354484	2002-09	केमीकल्स एण्ड इन्सेक्टीसाइड्स, राम नगर करन्जाह पीओ भानसाह (14-15 किमी) देबरिया रोड, गोरखपुर	आइसेप्रोट्यूरॉन, डब्ल्यु पी	11995		87
75.	9354585	2002-10	युनाइटेड एसोसिएटस, गांव फिरोजपुर बंगर, तहसील खरखोदा, जिला सोनीपत	लैक्टोमीटर	09585		95
76.	9354686	2002-10	मार्शल प्लाईवुड (प्रा.) लि., रायपुर रोड, गांव कामीमाजरा यमुनानगर	सामान्य प्रयोजन हेतु प्लाईवुड	00303		89
77.	9354787	2002-10	प्रकाश इंटरप्राइजिज़, गांव कामीमाजरा खजूरी रोड, यमुनानगर 135001	सामान्य प्रयोजन हेतु प्लाईवुड	00303		89
78.	9354888	2002-09	अम्बिका पॉली ट्यूब्स, 13/22-ए नुनहई, आगरा-282006	पेय जल आपूर्ति के लिए गैर-प्लास्टिकृत पीवीसी पाइप	04985		2000
79.	9354989	2002-10	मेटल कोटिंग्स (इंडिया), सेक्टर 45, मीला महाराजपुर, फरीदाबाद 121003	केबल रक्षण हेतु मृदु इस्पात के तार फार्मड वायरयुक्त और टेप	03975		99
80.	9355082	2002-10	आरकू मैन्यू. कं. 75, समीप इंड. एस्टेट, के वी राइज मिल के पीछे, जालंधर 144004	पानी, गैस और मलजल के लिए ढलवां लौहे के दाब पाइपों की फिटिंग	01538		93
81.	9355183	2002-09	ज्वेलर्स एन. एन. अग्रवाल, 1074/3, सराफा बाजार, अम्बाला शहर	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभूषण/ शिल्पकारी शुद्धता एवं मुहरांकन	01417		99
82.	9355284	2002-10	मुकट पाइप्स लि., पटियाला रोड, राजपुरा 140401	पानी मल-जल के लिए इस्पात पाइप	03589		2001
83.	9355385	2002-10	बॉमल लॉरी एण्ड कं. लि., गांव बहोली, पानीपत 132140	खुले सिरों वाले बड़े ड्रम	13997		94
84.	9355486	2002-09	रोहित कंडक्टर्स, 305, करवत रालहपुर सी. टी. रोड, दांडी, वाराणसी	शिरोपरि प्रेषण कार्यों के लिए एल्युमीनियम के चालक	00398	04	94
85.	9355587	2002-10	महेश्वरी एप्लापंसिस (प्रा) लि., यूनिट-II गांव खारा पी ओ जमशेर, जिला: जालंधर	अचल भंडारण किस्म के बिजली के वाटर हीटर	02082		93

(1)	(2)	(3)	(4)	(5)		(6)	
86.	9355688	2002-10	दोआबा फास्टनर्स प्रा. लि., सी-69, इंडस्ट्रियल फोकल प्वाइंट, जालंधर 144004	पानी की आपूर्ति के लिए उच्च घनत्व वाले पॉलिएथाइलीन पाइप	04984		95
87.	9355789	2002-10	पंजाब गैस सिलिंडर्स लि., गाँव मलिकपुर, पीओ अहमदगढ, जिला संगरूर	अल्पदाब द्रवणीय गैसों के लिए 5-लिटर से अधिक जल क्षमता वाले वेल्डित अल्प कार्बन इस्पात के सिलिंडर	03196	01	92
88.	9355890	2002-09	नाइस इंटरनेशनल, ए-36, इंडस्ट्रियल डब. कॉलोनी, जालंधर	धातुवर्ध्य ढलवां लोहे के पाइप फिटिंग	01879		87
89.	9355991	2002-09	कृष्णा तार प्रॉडक्टस 110 किमी पत्थर गाँव गौहरी, पीओ छत्ता, जिला मथुरा	औद्योगिक बिटुमन	00702		88
90.	9356084	2002-10	स्टेरिमड सर्जिकल्स (इंडिया)प्रा. लि., ई-II, गवर्न. इंडस्ट्रियल एरिया, बहादुरगढ़ (हरियाणा)	जिंक ऑक्साइड स्वयं चिपकने वाला प्लास्टर	04717		80
91.	9356185	2002-10	सेठ सुन्दरदास एण्ड संस, 18-19, तेज कुमार प्लाजा, 75, हजरतगंज, लखनऊ	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभूषण/ शिल्पकारी शुद्धता एवं मुहरांकन	01417		99
92.	9356286	2002/10	विर्गो प्लाईवुड लि., गांव कुरनवाला, रोड ब्लॉक डेराबस्सी, तहसील राजपुरा, पटियाला	लकड़ी के सपाट दरवाजों के शटर (ठोस कोर प्रकार) भाग 1 प्लाईवुड सतहयुक्त पल्ले	02202	01	99
93.	9356385	2002/09	डोर्स (इंडिया) लि., मगरवाला उन्नाव	लकड़ी के सपाट दरवाजों के शटर (ठोस कोर प्रकार) भाग 1 प्लाईवुड सतहयुक्त पल्ले	02202	01	99
94.	9356488	2002/10	करण इलेक्ट्रिकल्स डी-43, फोकल प्वाइंट, पटियाला 147002	प्लग और सॉकेट	01293		88
95.	9356589	2002/9	शर्मा इंडस्ट्रीज, बेकसाइड फोकल प्वाइंट एक्सटेंशन, गोदईपुर, जालंधर 4	धातुवर्ध्य ढलवां लोहे के पाइप फिटिंग	01879		87
96.	9356690	2002/10	हरिबोल वुड प्राडक्टस (प्रा) लि., 3 किमी भोगपुर मील पत्थर, गांव साडाचाक, पीओ. भागपुर, जिला जालंधर	सामान्य प्रयोजन हेतु प्लाईवुड	00303		89
97.	9356791	2002/10	शशि केबल्स लि. (यूनिट 2) ए-3 अमौसी इंडस्ट्रियल एरिया, कानपुर रोड, लखनऊ	शिरोपरि प्रेषण कार्यों के लिए एल्युमीनियम के चालक	00398	04	94

(1)	(2)	(3)	(4)	(5)	(6)			
98.	9356892	2002/11	गुप्ता इंडस्ट्रीज 61 इंडस्ट्रियल एरिया-2, चंडीगढ़ 160002	विद्युत विकीरक	00369			92
99.	9356993	2002/11	गुप्ता इंडस्ट्रीज 61 इंडस्ट्रियल एरिया-2, चंडीगढ़ 160002	घरेलू और समान विद्युत साधित्रों की सुरक्षा भाग 2 विवरणात्मक अपेक्षाएं अनु. 30 विद्युत विकीरक	00302	02	30	92
100.	9357086	2002/11	जुनेजा मेन्युफेक्चरिंग कं, गांव वरियाना कपुरथला रोड, पीओ. बस्ती गुजां जालंधर 144002	जल कल प्रयोजन हेतु स्लूस वाल्स	14846			2000
101.	9357187	2002/11	विष्णु मेटल्स 26-न्यू इंडस्ट्रियल एस्टेट बैकसाइड खरा मंडी जालंधर शहर	जल कल प्रयोजनों के लिए तांबा मिश्रधातु के गेट ग्लोब और चेक वाल्व	00778			84
102.	9357288	2002/11	क्लासिक इंटरप्राइसेज पीछे-पंजाब नेशनल बैंक मेन रोड गंग्याल, जम्मू	बिजली के पानी गर्म करने के भंडारण किस्म के स्थिर हीटर	02082			93
103.	9357389	2002/11	किमबेली फूडस प्रा. लि., क्यू-1 फेस 3 न्यू पालम विहार बाजघेरा रोड, गुडगांव	पैकेजबंद मिनरल वाटर (पैकेजबंद प्राकृतिक मिनरल जल के अलावा)	14543			98
104.	9357490	2002/11	अमृत इंटरप्राइसेज खजूरी रोड, यमुनानगर	सामान्य प्रयोजन हेतु प्लाईवुड	00303			89
105.	9357591	2002/11	अमृत इंटरप्राइसेज खजूरी रोड, यमुना नगर	ब्लॉक बोर्ड	01659			90
106.	9357692	2002/09	क्वालिटी साईंटिफिक वैक, वर्क्स 84 एचएसआईडीसी इंड एस्टेट, अम्बाला कैंट	रिसर्च माइक्रोस्कोप	05204			69
107.	9357793	2002/11	एशियन सीमेंटस 12 इंडस्ट्रियल एस्टेट एक्सटें, कथुआ जे.एंड के.,	पोर्टलैंड पोजोलाना सीमेंट	01489	02		91
108.	9357894	2002/11	मोटोरोला ऑटो इंडिया (प्रा) लि., 41/2 बहालगढ़ रोड़ सोनीपत	वी-पटटे औद्योगिक प्रयोजन के लिए भिन्न वी-पटटे भाग 1 सामान्य प्रयोजन	02494	01		94
109.	9357995	2002/11	वर्गो प्लाईवुड लि., कुरनवाला बरवाला रोड ब्लॉक डेराबस्सी तह-राजपुरा जिला पटियाला	समुद्री उपयोग हेतु प्लाईवुड	00710			76
110.	9358088	2002/11	एनपीके केमीकल्स एंड इंसेक्टीसाइडस (प्रा) लि., सी-5 इंड. एरिया, नौतन्वा रोड, गोरखपुर 273004	आईसोप्राटयूरान डब्ल्यू पी	11995			87

(1)	(2)	(3)	(4)	(5)		(6)
111.	9358189	2002/10	एक्वा फ्रेश मिनरल वाटर प्रा. लि., सुमेर सागर गोरखपुर 273001	पैकेजबन्द मिनरल वाटर (पैकेजबंद प्राकृतिक मिनरल जल के अलावा)	14543	98
112.	9358290	2002/11	जेबीएम इंडस्ट्रीज लि., प्लाट नं. 133 सेक्टर 24, फरीदाबाद	स्वचल उपयोग के लिए द्रवित पैट्रोलियम गैस (एलपीजी) धारक	14899	2000
113.	9358391	2002/11	एम.आर. प्लाईबोर्डस ई-1 इंडस्ट्रियल एरिया यमुनानगर	ब्लॉक बोर्ड	01659	90
114.	9358492	2002/11	एम.आर. प्लाईबोर्डस ई-1 इंडस्ट्रियल एरिया यमुनानगर	सामान्य प्रयोजन हेतु प्लाईवुड	00303	89
115.	9358593	2002/11	माकेन सीमेंट इंडस्ट्रीज 9-10 इंडस्ट्रियल एरिया कथुआ 184102	पोर्टलैंड पोजोलाना सीमेंट	01489 02	91
116.	9358694	2002/11	करण इलैक्ट्रिकल्स डी-43 फोकल प्वाइंट पटियाला 147002	घरेलू और समान कार्यों के लिए स्विच	03854	97
117.	9358795	2002/11	स्कोप प्रॉडक्टस प्रा. लि., प्लाट नं. 63 सेक्टर 59, फरीदाबाद	सामान्य कार्यों के लिए बटरफ्लाई वाल्व	13095	91
118.	9358896	2002/11	जी.एस. चौहान इंड., बुधेवाल रोड, जंडियाली लुधियाना 141012	अपशिष्ट और सवातन के के लिए रेत के सांचों में ढले लोहे के सिपगट और सॉकेट पाइप, फिटिंग और सहायकांग	01729	79
119.	9358997	2002/11	गांव कामीमाजरा खजूरी रोड, यमुनानगर	ब्लॅक बोर्ड	01659	90
120.	9359090	2002/11	सुरिन्दरा इंजी., कं. लि., गांव चलहेरी राजपुरा अम्बाला रोड, (एनएच-1) समीप एसवाईएल केनल राजपुरा	संरचनात्मक उपयोग के लिए इस्पात के पाइप	01161	98
121.	9359191	2002/11	नयना इंजीनियर्स 76, वसन्त विहार इंड., एरिया, अम्बाला शहर	बिजली के घरेलू खाद्य द्रवीयरक और मिक्चर ग्राइंडर	04250	80
122.	9359292	2002/11	यूनाइटेड सेल्स (इंडिया) डी-127 फोकल प्वाइंट एक्सटें., जालंधर शहर	धातुवर्ध्य ढलवां लोहे के पाइप फिटिंग	01879	87

(1)	(2)	(3)	(4)	(5)	(6)		
123.	9359393	2002/11	मार्डन कॉयर प्रोडक्टस 47 इंड., एरिया, धारूहेडा, जिला रेवाड़ी 122106	कुशनिंग के लिए रबड़ चढ़े नारियल जटा की शीट	08391		87
124.	9359494	2002/11	एस.जी. कंट्रोल एंड स्विचगियर्स 82 उद्योग विहार, फेस 4, गुडगांव	प्लग एंड साकेट आउटलेट	01293		88
125.	9359595	2002/11	एस.जी. कंट्रोल एंड स्विचगियर्स 82 उद्योग विहार, फेस 4, गुडगांव	घरेलू और समान कार्यों के लिए स्विच	03854		97
126.	9359696	2002/11	गैलेक्सी होम एप्लायंसेस प्लाट नं. 30, इंड., एरिया फेस 2 चंडीगढ	विद्युत इस्तरी	00366		91
127.	9359797	2002/11	गैलेक्सी होम एप्लायंसेस प्लाट नं. 30, इंड., एरिया फेस 2 चंडीगढ	घरेलू और समान विद्युत साधित्रों की सुरक्षा भाग 2 विवरणात्मक अपेक्षाएं अनु. 03 विद्युत इस्तरी	00302	02 03	92
128.	9359801	2002/11	अल्फा डिसइंफेक्टेंट 39-सी फेस 3रा इंड. एरिया, गंग्याल जम्मू	रोगाणुनाशी प्रवाह	01061		97
129.	9359902	2002/12	तृप्ति कूल्स प्रा.लि., वीपीओ रेहनान जट्टा तहसील- फगवाड़ा जिला कपूरथला	पैकेजबंद मिनरल वाटर (पैकेजबंद प्राकृतिक मिनरल जल के अलावा)	14543		98
130.	9360075	2002/11	हिमाचल वायर इंडस्ट्रीज (प्रा.लि.,) जी.टी. रोड़ दमताल जिला कांगड़ा	जस्तीकृत इस्पात की श्रृखंलानुमा बाड़ पर लगाने की जाली	02721		79
131.	9360176	2002/11	आनन्द फाउन्डर्स एंड इंजीनियर्स आउटसाइट भंडारी गेट बटाला 143505	अपकेन्द्री ढले (स्पन) लोहे के सिपगट और साकेट मृदा, अपशिष्ट और संवातन पाइप फिटिंग और सहायकांग	03989		84
132.	9360277	2002/11	पंजाब प्लाईवुड इंडस्ट्रीज गांव कामी माजरा यमुनानगर	कंक्रीट शटरिंग कार्यों के लिए प्लाईवुड	04990		93
133.	9360378	2002/11	पंजाब प्लाईवुड इंडस्ट्रीज गांव कामी माजरा खजूरी रोड़ यमुनानगर	समुद्री उपयोग हेतु प्लाईवुड	00710		76

[सं. केप्रवि-4/13 : 11]

एस. के. चौधरी, उप महानिदेशक (मुहर)

New Delhi, the 6th July, 2004

S.O. 1679.—In pursuance of sub-regulation (5) of the Bureau of Indian Standards (Certification) Regulations 1988, of the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given in the following schedule :

SCHEDULE

Sl. No.	Licence No.	Operative Date (Year/ Month)	Name & Address of the Party	Title of the Standard	IS No.	Part Sec.	Year
1	2	3	4	5	6	7	8
1.	9347184	2002/08	Sewak Industries, Vill. Jorian Behind Chandpur Works, Yamunanagar.	Plywood for General purposes	00303		89
2.	9347285	2002/08	VRC Enterprises Pvt.Ltd. E-7, UPSIDC Indl. Area, Chinhant, Lucknow.	Deepwell Handpump Components	14101		94
3.	9347386	2002/08	Shree Shyam Aqua Pvt. Ltd., Near Gopal Dev Chowk, Narnaul Road, Qutabpur, Rewari-123401.	Packaged drinking water	14543		98
4.	9347487	2002/08	Faradays Engineering, Indst. Pvt. Ltd., Vill. Barotiwala, Distt. Solan.	Welded low carbon steel Cylinder	03196	01	92
5.	9347588	2002/08	General Engineering Works 12/2 Mile Stone Mathura Road, Faridabad.	Uncoated Strees Releived Strand	06006		83
6.	9347689	2002/08	Pragati Industries, VPO Damla Delhi Road, Yamunanagar.	Plywood for general purposes	00303		89
7.	9347790	2002/08	Golden Tourist Resorts & Developer Ltd. Vill. Jharmari Teh. Derabassi, Distt. Patiala.	Packaged drinking water	14543		98
8.	9347891	2002/08	Krishna Cylinders, Nasirpur Hissar Road, Ambala City-134003.	Welded low carbon steel cylinder	03196		HM
9.	9347992	2002/08	Hicks Thermimeters (India) Ltd. A-12 & 13 C-26, Industrial Estate, Aligarh-202001.	Clinical thermometers	03055	02	2002
10.	9348085	2002/08	Hicks Thermimeters (India) Ltd. A-12 & 13 C-26, Industrial Estate Aligarh-202001.	Clinical thermometers	03055	01	94
11.	9348186	2002/08	Atlas Fire-tech Pvt. Ltd., Jathi Road behind S.P. Cold Store, Kundli, Distt. Sonepat.	Portable fire extinguishers	06234		86

1	2	3	4	5	6	7	8
12.	9348287	2002/09	Verma Jewellers, Chowk Bazar, Solan.	Gold & Gold Alloys, Jewellery/Artefacts-Fineness marking.	01417		99
13.	9348388	2002/07	Mahashe Jewellers, 94 Lower Bazar, Shimla	Gold & Gold Alloys, Jewellery Artefacts-Fineness marking.	01417		99
14.	9348489	2002/08	M. Techno Engg. (India) Pvt. Ltd. Vill. Dattour Teh. Sampla, Rohtak.	Low pressue regulators for use.	09798		95
15.	9348590	2002/08	R.D. Cement Industries Pvt. Ltd. 128 Vill. Chanwa Post Sehgo, Bachrawan Distt. Raebareli.	Portland Pozzolana Cement	01489	01	91
16.	9348691	2002/08	Swarup Chemicals (P) Ltd., Vill. Uttradhauna Tiwari Ganj, Chinhat, Lucknow.	Pesticide Phorate G, Encapsulate.	09359		95
17.	9348792	2002/08	Sudhartha Steels, Udyog Kutir, Deonghat, Solan-173212.	Galvanized Steel, Chain Link, Fen.	02721		79
18.	9348893	2002/09	Khaitan Electricals Ltd. Plot No. 14, Sector 6, Faridabad-121006.	Elec. Ceiling type fans and Reg.	00374		79
19.	9348994	2002/07	Crystal Phosphates Ltd. G.T. Karnal, Road VPO Nathupur, Distt. Sonepat.	2, 4-D, Ethyl Ester EC.	10243		93
20.	9349087	2002/08	Power Zip, 13, Industrial Area 1, Chandigarh.	Hydraulically regulated door CL.	03564		95
21.	9349188	2002/08	Nutricia India Pvt. Ltd., Dairy Complex Kasganj Road, Etah.	Infant Milk substitutes.	14433	01	97
22.	9349289	2002/09	Hindustan Engg. Works, 3124 Phase II, Industrial Area Chandigarh.	Elec. ceiling type fans and Reg.	00374		79
23.	9349390	2002/08	Ambaji Cement Grinders, 219-B, Industrial Growth Centre Samba, Jammu.	Portland Pozzolana Cement.	01489	02	91
24.	9349491	2002/08	Lachhman Dass Jewellers, 2/209-B, Shop No. 1 & 2, M.G. Road, Opp. Anjana Cinema, Agra.	Gold and Gold Alloys, Jewellery/artifacts, Fineness marking.	01417		99
25.	9349592	2002/08	Shakti Gramodhyog Sansthan, C-9, Site C, Sikandra Industrial Area, Agra-282007.	Unplasticized PVC pipes.	04985		2000

1	2	3	4	5	6	7	8
26.	9349693	2002/08	Surya Boards Ltd., 29 Km, Rohtak Mile Stone Rohad Nagar, Rohad Nagar Rly. Station Road, Bahadurgarh.	Block Boards.	01659		90
27.	9349794	2002/09	R.R. Concrete Products, Vill. Kheri Tagga PO Gasoly, Teh. Ganaur, Distt. Sonepat.	Precast concrete Pipes.	00458		88
28.	9349895	2002/09	R.R. Concrete Products, Vill. Kheri Tagga PO Gasoly Teh. Ganaur, Distt. Sonepat.	Precast concrete Manhole Cover.	12592	01	88
29.	9349996	2002/08	Chawla Fire Protection Engineer, 2095 M.I.E. Bahadurgarh.	Portable Fire extinguishers.	06234		86
30.	9350072	2002/09	Decora Industries, 5, Industrial Estate, Chambaghat, Solan.	Galvanized Steel Chain Link, Fen.	02721		79
31.	9350173	2002/09	EMM DEE Plywood Industries, Vill. Jorian (Police Naka), Yamunanagar.	Block Boards.	01659		90
32.	9350274	2002/09	VRC Enterprises Pvt. Ltd., E-7, UPSIDC Industrial Area, Chinhat, Lucknow.	Deepwell Handpump Components.	14105		94
33.	9350375	2002/09	Grandeur (India) Pvt. Ltd., B-7/2, Modern Indl. Estate, Bahadurgarh.	Elec. ceiling type fans and regulators.	00374		79
34.	9350476	2002/09	CMI Ltd., Plot No. 71 & 82, Sec. 6 Faridabad-121006	PVC insulated (Heavy duty) electric cables.	01554	01	88
35.	9350577	2002/09	CMI Ltd., Plot No. 17 & 82, Sec. 6, Faridabad-121006.	PVC insulated cables.	00694		90
36.	9350678	2002/09	Vandana Drinks Pvt. Ltd., No. 227, Majara Road, G.T. Road, Sahnewal, Distt. Ludhiana.	Packaged drinking water.	14543		98
37.	9350779	2002/09	Sturdy Polymers Ltd., 21, Indl. Area Badli, Distt. Solan.	PVC pipes (Ducts) and fittings.	14787		2000
38.	9350880	2002/09	Jindal Polytubes (P) Ltd., 1-25, DLF Indl. Area, Phase-I, Faridabad-121003.	Conduit for eletrical installations.	09537	03	83
39.	9350981	2002/09	Shree Nath Wood Industries, Vill. Kami Majra PO Shadipur Khajuri Road, Yamunanagar.	Plywood for general purposes.	00303		89

1	2	3	4	5	6	7	8
40.	9351074	2002/09	Shree Nath Wood Industries, Vill. Kami Majra PO Shadipur, Khajuri Road, Yamunanagar.	Block Boards.	01659		90
41.	9351175	2002/09	G.D. Hume Pipes, VPO, Chetru, Distt. Kangra-176209.	Precast concrete pipes.	00458		88
42.	9351276	2002/09	Gaurav Industries, 263 Tulsi Nagar Station Road, Orai.	Packaged drinking water.	14543		98
43.	9351377	2002/09	Penguin Foods & Beverages (P) Ltd., G.T. Road, Vill. Nabipur, Distt, Fatehgarh Sahib.	Packaged drinking water	14543		98
44.	9351478	2002/09	EMM DEE Plywood Industries, Vill. Jorian (Police Naka), Yamunanagar.	Plywood for general purposes	00303		89
45.	9351579	2002/09	Markandeshwar Foods & Allied Products Ltd., 166-167 Km. Stone, G.T. Road, Khanpur Kolian, Kurukshetra.	Skimmed milk powder.	13334	01	98
46.	9351680	2002/09	Jain Jewellers, SCF 8, Sec. 22, Chandigarh	Gold and gold alloys, jewellery/artifacts finess marking.	01417		99
47.	9351781	2002/09	Haryana Panel Products, Khajuri Road, Yamunanagar.	Block Boards.	01659		90
48.	9351882	2002/09	Haryana Panel Products, Khajuri Road, Yamunanagar.	Plywood for general purposes.	00303		89
49.	9351983	2002/08	Chief Scientific Industries, 3704, Panna Cottage Jagadhri Road, Ambala Cantt.-133001.	Student type microscope.	03686		66
50.	9352076	2002/08	Chief Scientific Industries, 3704, Panna Cottage, Jagadhri Road, Ambala Cantt.-133001.	Monocular dissecting microscope.	04328		67
51.	9352177	2002/08	Chief Scientific Industries, 3704 Panna Cottage, Jagadhri Road, Ambala Cantt.-133001.	Binocular eyepieces for microsc.	08275		76
52.	9352278	2002/08	Chief Scientific Industries, 3704 Panna Cottage, Jagadhri Road, Ambala Cantt.-133001.	Pathological microscope	04381		67
53.	9352379	2002/09	Cannan Pipe Industries, F-2, Phase VIII. Industrial Area Eltop Complex, Mohali.	Conduit for electrical installa.	09537	03	83

1	2	3	4	5	6	7	8
54.	9352480	2002/09	Vardhman Plywood Industries Pvt. Ltd., 84-85 Km. Stone, Vill. Bahu Akbar Pur, Hissar Road, Rohtak-124001.	Plywood for general purposes	00303		89
55.	9352581	2002/09	Vardhman Plywood Ind. Pvt. Ltd. 84-85 Km. Stone Vill. Bahu Akbar Pur, Hissar Road, Rohtak-124001.	Household sewing machines	01610		90
56.	9352682	2002/09	Aggarwal Steels, 139, Indl. Area, Phase-I, Panchkula.	Mild steel sliding door bolts	00281		91
57.	9352783	2002/09	Garg Industries, G.T. Road Makkar Place Giddarwaha-152101.	PVC Insulated cables.	00694		90
58.	9352884	2002/09	Pragati Industries, VPO Damla Delhi Road. Yamunagar.	Block Boards	01659		90
59.	9352985	2002.09	Pragati Hightech Products Pvt. Ltd., Pansara Saharanpur Road, Yamunanagar,-135001.	Plywood for general purposes	00303		89
60.	9353078	2002/09	Kashi Jewellers, 59/37B, Birhana Road, Kanpur.	Gold and gold alloys, jewellery/artifacts finess marking	01417		99
61.	9353179	2002/09	Kailash Meters, 56 Indl. Area , Harthala, Moradabad-244001.	AC static watthour meters, Class 1 and 2	13779		99
62.	9353280	2002/09	Shiva Steel, Rolling Mills Indl. Estate Hatli More, Kathua (J&K)	Deformed Steel Bar and wires for concrete reinforcement	01786		85
63.	9353381	2002/09	Harisar Industrial Corpn., C-155, Focal point, Phase-V, Ludhiana.	Wooden flush door shutters	02202	01	99
64.	9353482	2002/09	R.K.M. Foods, Vill. Ranipur Sujanpur Jugial Road, Pathankot.	Biscuits	01011		92
65.	9353583	2002/09	Shree Nath Jee Ply Products, Vill. Mukarabpur, Jagadhri.	Block Boards	01669		90
66.	9353684	2002/09	Anmol Paint Industries, VPO Shekhe Old, Hoshiarpur Road, Jalandhar.	Cement Paint	05410		92
67.	9353785	2002/09	Shakti Industries, Jagera Road, Ahmedgarh, Distt. Sangrur.	Compound feed for cattle	02052		79

1	2	3	4	5	6	7	8
68.	9353886	2002/10	Britania Paints (P) Ltd. Dalhousie Road, Pathankot.	Cement Paint	05410		92
69.	9353987	2002/08	Hans Metals Ltd., UPSIDC Industrial Area, Bharwa Sumerpur, Hamerpur.	Steel for General Structural Purposes.	02062		99
70.	9354080	2002/09	Talwar Jewellery House, SCF, 13 Sec. 22D, Chandigarh-160022.	Gold and Gold Alloys, Jewellery/Artifacts, Finess Marking.	01417		99
71.	9354181	2002/10	Himachal Plywood Pvt. Ltd. 1-2, Industrial Area, Shamshi, Kulu.	Packaged Natural, Mineral Water.	13428		98
72.	9354282	2002/09	Singhal Tubes, 116-1, Udyog Nagar, Kanpur.	Conduit for Electrical Installations.	09537	03	83
73.	9354383	2002/09	Jay Jay Chemicals, B/s. 262 East Mohan Nagar, Indl. Area, Amritsar-143006.	Zinc Sulphate, Heptahydrate, Agri.	08249		94
74.	9354484	2002/09	Chemicals & Insecticides, Ram Nagar Karanjaha PO. Bhansaha (14-15 Km.), Deoria Road, Gorakhpur.	Isoproturron, WP.	11995		87
75.	9354585	2002/10	United Associates, Vill. Ferozepur Jhngar, Teh. Kharkhoda, Distt. Sonepat.	Lactometers.	09585		95
76.	9354686	2002/10	Marshal Plywood (P) Ltd., Raipur Road, Vill. Kami Majra, Yamunanagar.	Plywood for General Purposes.	00303		89
77.	9354787	2002/10	Parkash Enterprises, Vill. Kami Majra Khajuri Road, Yamunanagar.-135001.	Plywood for General Purposes.	00303		89
78.	9354848	2002/09	Ambika Poly Tubes, 13/22-A, Nunhai, Agra-282006.	Unplasticized PVC Pipes.	04985		2000
79.	9354989	2002/10	Metal Coatings (India), Sec. 45, Meela Maharajpur, Faridabad-121003.	Mild Steel Wire, Formed Wires.	03975		99
80.	9355082	2002/10	Arkoo Mfg. Co., 75, Near Indl. Estate Behind K.V. Rice Mills, Jalandhar-144004.	Cast Iron Fittings for Pressure.	01538		93
81.	9355183	2002/09	Jewellers N.N. Aggarwal, 1074/3, Sarafa Bazar, Ambala City.	Gold and Gold Alloys, Jewellery/Artifacts, Finess Marking.	01417		99
82.	9355284	2002/10	Mukat Pipes Ltd., Patiala Road, Rajpura-140401	Steel Pipe for Water and Sewage.	03589		2001

1	2	3	4	5	6	7	8
83.	9355385	2002/10	Balmer Lawrie & Co. Ltd., Vill. Baholi, Panipat-132140.	**Drum Large Open Top.**	13997		94
84.	9355486	2002/09	Rohit Conductors, 305, Karwat Ralhpur, C.T. Road, Dandi, Varanasi.	**Alum, Conductors for Overhead Transmission Purposes.**	00398	04	94
85.	9355587	2002/10	Maheshwari Appliances (P), Ltd., Unit II Vill. Khara, PO Jamsher Distt. Jalandhar.	**Stationary Storage.Ele. Water Heater.**	02082		93
86.	9355688	2002/10	Doaba Fasteners Pvt. Ltd. C-69, Industrial Focal Point, Jalandhar-144004.	**Polyeth, Pipes for Portable Water Supplies.**	04984		95
87.	9355789	2002/10	Punjab Gas Cylinders Ltd., Vill. Malikpur PO, Ahmedgarh, Distt. Sangrur.	**Welded Low Carbon Steel Cylinder.**	03196	01	92
88.	9355890	2002/09	Nice International, A-36, Industrial Dev. Colony, Jalandhar.	**Malleable Cast Iron Pipe Fittings.**	01879		87
89.	9355991	2002/10	Krishna Tar Products, 110 Km. Stone Vill. Gauhari, PO, Chhata, Distt. Mathura.	**Industrial Bitumen.**	00702		88
90.	9356084	2002/10	Sterimed Surgicals (India) Pvt. Ltd., E-11, Govt. Industrial Area, Bahadurgarh (Hy.)	**Zinc Oxide Self Adhesive Plaster.**	04717		80
91.	9356185	2002/10	Seth Sunderdas & Sons, 18-19, Tej Kumar Plaza, 75, Hazaratganj, Lucknow.	**Gold and Gold Alloys, Jewellery/Artifacts Finess Marking.**	01417		99
92.	9356286	2002/10	Virgo Plywood Ltd., Vill. Kuranwala Road Block Dera Bassi Teh. Rajpura Patiala	**Wooden Flush Door Shutters**	02202	01	99
93.	9356385	2002/09	Doors (India) Ltd., Magarwara Unnao	**Wooden Flush Door Shutters**	02202	01	99
94.	9356488	2002/10	Karan Electricals D-43, Focal Point Patiala-147002	**Plug and Sockets**	01293		88
95.	9356589	2002/09	Sharma Industries Backside Focal Point Extn. Godajpur Jalandhar—04	**Malleable Cast Iron Pipe Fittings**	01879		87
96.	9356690	2002/10	Haribol Wood Products (P) Ltd., 3km Bhogpur Mile Stone Vill. Sada Chak PO Bhagpur Distt. Jalandhar	**Plywood for General Purposes**	00303		89
97.	9356791	2002/10	Shashi Cables Ltd., (Unit II) A-3 Amausi Industrial Area Kanpur Road, Lucknow	**Alum. Conductors for Overhead T**	00398	04	94

1	2	3	4	5	6	7	8
98.	9356892	2002/11	Gupta Industries 61- Industrial Area-11 Chandigarh-160002	Electrical Radiators	00369		92
99.	9356993	2002/11	Gupta Industries 61- Industrial Area-11 Chandigarh-160002	Household and Similar Elec. Appliances	00302	02 30	92
100.	9357086	2002/11	Juneja Manufacturing Co., Vill. Variana Kapurthala Road PO Basti Guzan Jalandhar-144002	Sluice Valve for Water Works Purposes	14846		2000
101.	9357187	2002/11	Vishnu Metals 26 New Industrial Estate Back Side Chara Mandi Jalandhar City	Copper Alloy Gate Globe & Check Valves for Waterworks	00778		84
102.	9357288	2002/11	Classic Enterprises behind Punjab National Bank Main Road Gangyal, Jammu.	Stationary Storage Ele. Water Heater	02082		93
103.	9357389	2002/11	Kimberley Foods Pvt. Ltd., Q-1 Phase 3 New Palamvihar Bajghera Road Gurgaon	Packaged Drinking Water	14543		98
104.	9357490	2002/11	Amrit Enterprises Khajuri Road Yamunanagar	Plywood for General Purposes	00303		89
105.	9357591	2002/11	Amrit Enterprises Khajuri Road Yamunanagar	Block Boards	01659		90
106.	9357692	2002/09	Quality Scientific Mech. Works 84 HSIDC Indl. Estate Ambala Cantt.	Research Microscope	05204		69
107.	9357793	2002/11	Asian Cements 12 Industrial Estate Extn. Kathua J & K.	Portland Pozzolana Cement	01489	02	91
108.	9357894	2002/11	Motorola Auto India (P) Ltd., 41/2 Bahalgarh Road Sonepat	V Belts Endles V Belts for Industrial Purposes	02494	01	94
109.	9357995	2002/11	Virgo Plywood LIT. Kuranwala Barwala Road Block Dera Bassi Teh. Rajpura Distt. Patiala	Marine Plywood	00710		76
110.	9358088	2002/11	NPK Chemicals & Insecticides (P) Ltd., C- Indl. Area Nautanwa Road Gorakhpur-273004	Isoproturon, WP	11995		87
111.	9358189	2002/10	Aqua Freash Mineral Water Pvt. Ltd. Sumer Sagar Gorakhpur-273001	Packaged Drinking Water	14543		98
112.	9358290	2002/11	JBM Industries Ltd., Plot No. 133 Sec. 24 Faridabad	LPG Container for Automatove Use	14899		2000

1	2	3	4	5	6	7	8
113.	9358391	2002/11	M.R. Plyboards E-1 Industrial Area Yamunanagar	**Block Boards**	01659		90
114.	9358492	2002/11	M.R. Plyboards E-1 Industrial, Area Yamunanagar	**Plywood for General Purposes**	00303		89
115.	9358593	2002/11	Maken Cement Industries 9-10 Industrial Area Kathua-184102	**Portland Pozzolana Cement**	01489	02	91
116.	9358694	2002/11	Karan Electricals D-43 Focal Point Patiala-147002	**Switches for Domestic and Similar Purposes**	03854		97
117.	9358795	2002/11	Skope Products Pvt. Ltd., Plot No. 63 Sector 59 Faridabad	**Butterfly Valves**	13095		91
118.	9358896	2002/11	G.S. Chohan Inds. Budhewal Road Jandiali Ludhiana-141012	**Sand Cast Iron Spigot and Socket**	01729		79
119.	9358997	2002/11	Vill. Kami Majra Khajuri Road Yamunanagar	**Block Boards**	01659		90
120.	9359090	2002/11	Surindera Engg. Co. Ltd., Vill. Chalheri Rajpura-Ambala Road (NH-1) Near Syl. Canal Rajpura	**Steel Tubes for Structural Purposes**	01161		98
121.	9359191	2002/11	Nayna Engineers 76, Vasant Vihar Indl. Area Ambala City	**Domestic Elc. Food Mixer**	04250		80
122.	9359292	2002/11	United Sales (India) D-127, Focal Point Extn. Jalandhar City	**Malleable Cast Iron**	01879		87
123.	9359393	2002/11	Modern Coir Products 47 Indl. Area Dharuhera Distt. Rewari-122106	**Rubberized Coil Sheet**	08391		87
124.	9359494	2002/11	S.G. Control & Switchgears 82 Udyog Vihar Phase IV Gurgaon	**Plug and Socket Outlet**	01293		88
125.	9359595	2002/11	S.G. Control & Switchgears 82 Udyog Vihar Phase IV Gurgaon	**Switches for Domestic and Similar Purposes**	03854		97
126.	9359696	2002/11	Galaxy Home Appliances Plot No. 30 Indl. Area Phase-II Chandigarh	**Electric Iron**	00366		91
127.	9359797	2002/11	Galaxy Home Appliances Plot No. 30 Indl. Area Phase-II Chandigarh	**Household and Similar Elec. App.**	00302	02 03	92

1	2	3	4	5	6	7	8
128.	9359801	2002/11	Alpha Disinfectant 39-C Phase IIIrd Indl. Area Gangyal, Jammu	Disinfectant Fluid	01061		97
129.	9359902	2002/12	Tripti Cools Pvt. Ltd., VPO Rehanan Jattan Tehsil Phagwara Distt. Kapurthala	Packaged Drinking Water	14543		98
130.	9360075	2002/11	Himachal Wire Industries (P) Ltd., G.T. Road Damtal Distt. Kangra	Galvanized Steelchain Link	02721		79
131.	9360176	2002/11	Anand Founders & Engineers Outside Bhandari Gate Batala-143505	Iron Spigot and Socket	03989		84
132.	9360277	2002/11	Punjab Plywood Industries Vill. Kami Majra Yamunanagar.	Plywood for Concrete Shuttering	04990		93
133.	9360378	2002/11	Punjab Plywood Industries Vill. Kami Majra Khajuri Road Yamunanagar	Marine Plywood	00710		76

[No. CMD-4/13 : 11]

S. K. CHAUDHURI, Dy. Director General (Marks)

नई दिल्ली, 9 जुलाई, 2004

का.आ. 1680.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि नीचे अनुसूची में दिये गये मानक(कों) में संशोधन किया गया/किये गये हैं :—

अनुसूची

क्र. सं.	संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	आईएस 269:1989	संशोधन सं. 7, दिसम्बर 2003	10-02-2004
2.	आईएस 617:1994	संशोधन सं. 1, दिसम्बर 2003	31-12-2003
3.	आईएस 692:1994	संशोधन सं. 1, फरवरी 2004	19-04-2004
4.	आईएस 5082:1998	संशोधन सं. 2, दिसम्बर 2003	31-12-2003
5.	आईएस 8112:1989	संशोधन सं. 7, दिसम्बर 2003	10-02-2004
6.	आईएस 10412:1986	संशोधन सं. 1, फरवरी 2004	28-02-2004
7.	आईएस 11441:1985	संशोधन सं. 1, दिसम्बर 2004	31-12-2003
8.	आईएस 11708:1986	संशोधन सं. 3, दिसम्बर 2003	31-12-2003
9.	आईएस 11860:1998	संशोधन सं. 1, जनवरी 2004	31-01-2004
10.	आईएस 12269:1987	संशोधन सं. 7, दिसम्बर 2003	10-02-2004
11.	आईएस 13742 (भाग 9):1993	संशोधन सं. 1, जनवरी 2004	31-01-2004

इन संशोधनों की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों नई दिल्ली, कोलकाता, चंडीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना, पुणे तथा तिरूवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[सं. के प्र वि-4/13 : 5]

एस. के. चौधरी, उप महानिदेशक (मुहर)

New Delhi, the 9th July, 2004

S.O. 1680.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendments of the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued :

SCHEDULE

Sl. No.	No. and year of the Indian Standards	No. and year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
1.	IS : 269 : 1989	Amendment No. 7, December 2003	10-2-2004
2.	IS : 617 : 1994	Amendment No. 1, December 2003	31-12-2003
3.	IS : 692 : 1994	Amendment No. 1, February 2004	19-4-2004
4.	IS : 5082 : 1998	Amendment No. 2, December 2003	31-12-2003
5.	IS : 8112 : 1989	Amendment No. 7, December 2003	10-2-2004
6.	IS : 10412 : 1986	Amendment No. 1, February 2004	28-2-2004
7.	IS : 11441 : 1985	Amendment No. 1, December 2004	31-12-2003
8.	IS : 11708 : 1986	Amendment No. 3, December 2003	31-12-2003
9.	IS : 11860 : 1998	Amendment No. 1, January 2004	31-1-2004
10.	IS : 12269 : 1987	Amendment No. 7, December 2003	10-2-2004
11.	IS : 13742 (Part 9) : 1993	Amendment No. 1, January 2004	31-1-2004

Copy of these amendments are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Office : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvnanthapuram.

[No. CMD-IV/13 : 5]

S. K. CHAUDHURI, Dy. Director General (Marks)

शहरी विकास मंत्रालय

नई दिल्ली, 7 जुलाई, 2004

का.आ. 1681.—राजघाट समाधि अधिनियम, 1951 (1951 का 41) की धारा 4 की उक्त धारा (1), (2) तथा (3) के साथ पठित धारा 3 द्वारा प्रदत्त शक्तियों का उपयोग करते हुए तथा दिनांक 25 अक्तूबर, 2003 की अधिसूचना संख्या 25011/7/85-डब्ल्यू-3 का आंशिक संशोधन करते हुए केन्द्र सरकार श्री बंडारू दत्तात्रेय के स्थान पर श्री गुलाम नबी आजाद, शहरी विकास मंत्री को राजघाट समाधि समिति का अध्यक्ष नियुक्त करती है।

[सं० 25011/7/85-डब्ल्यू-2]

देवेन्द्र कुमार, अवर सचिव

MINISTRY OF URBAN DEVELOPMENT

New Delhi, the 7th July, 2004.

S.O. 1681.—In partial modification of the Notification No. 25011/7/85-W3 dated 15th October, 2003, the Central Government appoints Shri Ghulam Nabi Azad, Minister of Urban Development as Chairman of Rajghat Samadhi Committee in place of Shri Bandaru Dattatraya, in exercise of the powers conferred by Section 3 read with Sub-sections (1), (2) and (3) of Section 4 of the Rajghat Samadhi Act, 1951 (41 of 1951).

[No. 25011/7/85-W-2]

DEVINDER KUMAR, Under Secy.

पेट्रोलियम एवं प्राकृतिक गैस मंत्रालय

नई दिल्ली, 7 जुलाई, 2004

का. आ. 1682.— तेल उद्योग (विकास) अधिनियम, 1974 (1974 का 47) की धारा-3 की उपधारा (4) द्वारा प्रदत्त की गई शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा श्री एस.सी. त्रिपाठी, सचिव, पेट्रोलियम एवं प्राकृतिक गैस मंत्रालय, को 1 जुलाई, 2004 पूर्वाह्न से, अगले आदेश तक श्री बी.के. चतुर्वेदी के स्थान पर तेल उद्योग विकास बोर्ड के अध्यक्ष के रूप में नियुक्त करती है।

[फा. सं. जी-35012/3/92-वित्त-II]
के.पी.के. नम्बीसन, अवर सचिव

Ministry of Petroleum & Natural Gas

New Delhi, the 7th July, 2004

S. O. 1682.— In exercise of the powers conferred by Sub-section (4) of Section 3 of the Oil Industry (Development) Act, 1974 (47 of 1974), the Central Government hereby appoints, with effect from the forenoon of the 1st July, 2004 and until further orders, Shri S.C. Tripathi Secretary, Ministry of Petroleum and Natural Gas, as the Chairman of the Oil Industry Development Board vice Shri B.K. Chaturvedi.

[No. G-35012/3/92-Fin.-II]
K.P.K. NAMBISSAN, Under Secy.

नई दिल्ली, 14 जुलाई, 2004

का. आ. 1683.— केन्द्रीय सरकार की लोक हित में यह आवश्यक प्रतीत होता है कि उडिसा राज्य में पारादीप से पश्चिमी बंगाल राज्य में हल्दिया तक कच्चे तेल के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए,

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि जिसके भितर पाइपलाइन बिछाई जाने का प्रस्ताव है ओर जो इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित है, में उपयोग के अधिकार का अर्जन किया जाए,

अत: अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उसमें उपयोग के अधिकार का अर्जन करने के अपने आशाय की घोषणा करती है,

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर उसमें उपयोग के अधिकार का अर्जन करने या भूमि के अन्दर पाइपलाइन बिछाने के संबंध में श्री अरविन्द घोष, सक्षम प्राधिकारी, पारादीप हल्दिया पाइपलाइन परियोजना, इंडियन ऑयल कार्पोरेशन लिमिटेड, कसबेरीया, डाकघर-खंजनचक, पूर्व मिदनापुर- 721602 (पश्चिमी बंगाल)को लिखित रुप मे आक्षेप भेज सकेगा ।

अनुसूची

पुलिस थाना : भुपतिनगर		जिला : पूर्व मिदनापुर		राज्य: पश्चिमी बंगाल	
गाँव का नाम	अधिकारिता सूचि संख्या	प्लॉट संख्या	क्षेत्रफल		
			हेक्टेयर	एयर	वर्ग मीटर
(1)	(2)	(3)	(4)	(5)	(6)
किसमतबाजकुल	156	4400	00	00	37
		4853	00	03	53
		4857	00	09	49
		4860	00	00	46
		4861	00	00	20
		4868	00	00	36
		4869	00	00	53
		4893	00	00	22
		4853/17289	00	02	28
		4854/17291	00	00	29
		4854/17292	00	02	20
		4854/17293	00	00	42
पुलिस थाना : भगबानपुर					
टेथिबारि	153	440	00	01	39
		448	00	01	34
		1547	00	00	85
		981/1660	00	01	11
		1522/1719	00	01	67
		1523/1720	00	02	51

[फा. सं. आर-25011/9/2004-ओ.आर-I]

रेणुका कुमार, अवर सचिव

New Delhi, the 14th July, 2004

S. O. 1683.— Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum(crude)from Paradip in the State of Orissa to Haldia in the State of West Bengal, a pipeline should be laid by Indian Oil Corporation Limited,

And whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification,

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein,

Any person, interested in the land described in the said Schedule may, within twenty one days from the date on which the copies of the notification issued under sub-section(1)of section 3 of the said Act, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Sri Arabinda Ghosh, Competent Authority, Paradip Haldia Crude Oil Pipeline Project Indian Oil Corporation Limited, Kasberia, Post Office-Khanjanchak,Purba Midnapur-721602 (West-Bengal).

Schedule

Police Station : Bhupatinagar		District : Purba Midnapur	State : West-Bengal		
Name of Village	Jurisdiction List No.	Plot. No.	Area		
			Hectare	Are	Square Metre
(1)	(2)	(3)	(4)	(5)	(6)
Kismatbajkul	156	4400	00	00	37
		4853	00	03	53
		4857	00	09	49
		4860	00	00	46
		4861	00	00	20
		4868	00	00	36
		4869	00	00	53
		4893	00	00	22
		4853/17289	00	02	28
		4854/17291	00	00	20
		4854/17292	00	02	20
		4854/17293	00	00	42
Police Station : Bhagabanpur					
Tethibari	153	440	00	01	39
		448	00	01	34
		1547	00	00	85
		981/1660	00	01	11
		1522/1719	00	01	67
		1523/1720	00	02	51

[No. R-25011/9/2004-O.R.-I]
RENUKA KUMAR, Under Secy.

नई दिल्ली, 14 जुलाई, 2004

का. अ **का. आ. 1684.**— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं0 का. आ. 2642 तारीख 10 सितम्बर, 2003 द्वारा सलाया-मथुरा पाइपलाइन प्रणाली के विरमगाम-कोयली सेक्शन के संवर्धन के कार्यान्वयन के लिए, इंडियन ऑयल कॉरपोशन लिमिटेड द्वारा गुजरात राज्य में विरमगाम से कोयली तक अपरिष्कृत तेल के परिवहन के लिए पाइपलाइन बिछाने के लिए उस अधिसूचना से संलग्न अनुसूचि में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन करने के लिए अपने आशय की घोषणा की थी;

और उक्त अधिसूचना की प्रतियाँ जनता को तारीख 22 अक्टूबर, 2003 को उपलब्ध करा दी गई थी;

और सक्षम प्राधिकारी द्वारा पाइपलाइन बिछाई जाने के सम्बन्ध में जनता से कोई आक्षेप प्राप्त नहीं हुए हैं।

और सक्षम प्राधिकारी ने उक्त अधिनियम के धारा 6 के उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और, केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात और यह समाधान हो जाने पर की उक्त भूमि पाइपलाइन बिछाये जाने के लिए अपेक्षित है उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया।

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाये जाने के लिए उपयोग के अधिकार का अर्जन किया जाता है;

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निर्देश देती है कि उक्त भूमि में पाइपलाइन बिछाये जाने के लिए उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख को केन्द्रीय सरकार में निहित होने की बजाय सभी विल्लंगमों से मुक्त इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

तालुका : आणंद	जिल्ला : आणंद		राज्य : गुजरात		
गॉव का नाम	सर्वे संख्या	क्षेत्रफल			
		उप-खण्ड संख्या	हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6
करमसद	1227		0	00	83

[फा. सं. आर-25011/7/2002-ओ.आर.I]

रेणुका कुमार, अवर सचिव

New Delhi, the 14th July, 2004

S. O. 1684.— Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 2642 dated the 10th September, 2003 issued under sub section (1) of section 3 of the Petroleum and Minerals pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (herein after referred to as the said Act) the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline for the transportation of Crude Oil from Viramgam to Koyli in the State of Gujarat, a pipeline should be laid by the Indian Oil Corporation Limited for implementing the Augmentation of Viramgam – Koyli Section of Salaya-Mathura Pipeline System;

And, whereas, copies of the said notification were made available to the public on 22/10/2003;

And whereas, the Competent Authority has under sub-section (1) of section of 6 of the said Act has submitted his report to the Central Government;

And whereas, the Central Government, after considering the said report is satisfied that the right of user in the land specified in the Schedule appended to this Notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the lands specified in the schedule appended to this notification area hereby acquired;

And further, in the exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the central Government hereby directs that the right of user in the said land shall instead of vesting in the Central Government, vest from the date of publication of this declaration, in the Indian Oil Corporation Limited free from all encumbrances.

SCHEDULE

Taluka : ANAND		District : ANAND			State : GUJARAT
			Area		
Name of the Village	Survey No.	Sub-Division No.	Hectare	Are	Sq. Mtr.
1	2	3	4	5	6
KARAMSAD	1227		0	00	83

[No. R-25011/7/2002-O.R.-I]
RENUKA KUMAR, Under Secy.

नई दिल्ली, 14 जुलाई, 2004

का. आ. 1685.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं0 का. आ. 2457 तारीख 18 अगस्त, 2003 द्वारा अधिसूचना से संलग्न अनुसूचि में विनिदृष्ट भूमि में इंडियन ऑयल कॉरपोरेशन लिमिटेड द्वारा सलाया-मथुरा पाइपलाइन प्रणाली के विरमगाम-कोयली सेक्शन के संवर्धन को कार्यान्वियत करने के लिए, गुजरात राज्य में विरमगाम से कोयली तक अपरिष्कृत तेल के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के लिए अपने आशय की घोषणा की थी;

और उक्त अधिसूचना की प्रतियाँ जनता को तारीख 8-10-2003 को उपलब्ध करा दी गई थी;

और सक्षम प्राधिकारी ने उक्त अधिनियम के धारा 6 के उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और, केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिदिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाना चाहिए।

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाता है;

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने की बजाय सभी विल्लंगमों से मुक्त इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

तालुका : नडीयाद — जिल्ला : खेडा — राज्य : गुजरात

गॉव का नाम	सर्वे संख्या	क्षेत्रफल			
		उप-खण्ड संख्या	हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6
केरीयावी	860		0	00	73
	1040		0	00	99

[फा. सं. आर-25011/4/2002-ओ.आर I]

रेणुका कुमार, अवर सचिव

New Delhi, the 14th July, 2004

S. O. 1688.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 2457 dated the 18th August, 2003 issued under sub section (1) of section 3 of the Petroleum and Minerals pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (herein after referred to as the said Act) the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline for the transportation of Crude Oil from Viramgam to Koyli in the State of Gujarat, a pipeline should be laid by the Indian Oil Corporation Limited for implementing the Augmentation of Viramgam – Koyli Section of Salaya-Mathura Pipeline System;

And, whereas, copies of the said notification were made available to the public on 8/10/2003;

And whereas, the Competent Authority has under sub-section (1) of section of 6 of the said Act has submitted his report to the Central Government;

And whereas, the Central Government, after considering the said report is satisfied that the right of user in the land specified in the Schedule appended to this Notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the lands specified in the schedule appended to this notification area hereby acquired;

And further, in the exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the central Government hereby directs that the right of user in the said land shall instead of vesting in the Central Government, vest from the date of publication of this declaration, in the Indian Oil Corporation Limited free from all encumbrances.

SCHEDULE

Taluka : NADIAD	District : KHEDA		State : GUJARAT		
			Area		
Name of the Village	Survey No.	Sub-Division No.	Hectare	Are	Sq. Mtr.
1	2	3	4	5	6
Keriavi	860		0	00	73
	1040		0	00	99

[No. R-25011/4/2002-O.R.-I]
RENUKA KUMAR, Under Secy.

नई दिल्ली, 14 जुलाई, 2004

का. अ का. आ. 1686.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं0 का. आ. 2458 तारीख 18 अगस्त, 2003 द्वारा अधिसूचना से संलग्न अनुसूचि में विनिर्दिष्ट भूमि में इंडियन ऑयल कॉरपोंशन लिमिटेड द्वारा सलाया-मथुरा पाइपलाइन प्रणाली के विरमगाम-कोयली सेक्शन के संवर्धन को कार्यान्वियत करने के लिए, गुजरात राज्य में विरमगाम से कोयली तक अपरिष्कृत तेल के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के लिए अपने आशय की घोषणा की थी;

और उक्त अधिसूचना की प्रतियाँ जनता को तारीख 8-10-2003 को उपलब्ध करा दी गई थी;

और सक्षम प्राधिकारी ने उक्त अधिनियम के धारा 6 के उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और, केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाना चाहिए।

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाता है;

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने की बजाय सभी विल्लंगमों से मुक्त इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

तालुका : महेमदाबाद जिल्ला : खेडा राज्य : गुजरात

गाँव का नाम	सर्वे संख्या	क्षेत्रफल			
		उप-खण्ड संख्या	हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6
खुमारवाड	495	3	0	01	90

[फा. सं. आर-25011/4/2002-ओ.आर-I]

रेणुका कुमार, अवर सचिव

New Delhi, the 14th July, 2004

S. O. 1686.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 2458 dated the 18th August, 2003 issued under sub section (1) of section 3 of the Petroleum and Minerals pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (herein after referred to as the said Act) the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline for the transportation of Crude Oil from Viramgam to Koyli in the State of Gujarat, a pipeline should be laid by the Indian Oil Corporation Limited for implementing the Augmentation of Viramgam – Koyli Section of Salaya-Mathura Pipeline System;

And, whereas, copies of the said notification were made available to the public on 8/10/2003;

And whereas, the Competent Authority has under sub-section (1) of section of 6 of the said Act has submitted his report to the Central Government;

And whereas, the Central Government, after considering the said report is satisfied that the right of user in the land specified in the Schedule appended to this Notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the lands specified in the schedule appended to this notification area hereby acquired;

And further, in the exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the central Government hereby directs that the right of user in the said land shall instead of vesting in the Central Government, vest from the date of publication of this declaration, in the Indian Oil Corporation Limited free from all encumbrances.

SCHEDULE

Taluka : MEHMEDABAD	District : KHEDA		State : GUJARAT		
			Area		
Name of the Village	Survey No.	Sub-Division No.	Hectare	Are	Sq. Mtr.
1	2	3	4	5	6
Khumarvad	495	3	0	01	90

[No. R-25011/4/2002-O.R.-I]
RENUKA KUMAR, Under Secy.

नई दिल्ली, 14 जुलाई, 2004

का. आ. 1687.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं0 का. आ. 2459 तारीख 18 अगस्त, 2003 द्वारा अधिसूचना से संलग्न अनुसूचि में विनिर्दिष्ट भूमि में इंडियन ऑयल कॉरपोशन लिमिटेड द्वारा सलाया-मथुरा पाइपलाइन प्रणाली के विरमगाम-कोयली सेक्शन के संवर्धन को कार्यान्वियत करने के लिए, गुजरात राज्य में विरमगाम से कोयली तक अपरिष्कृत तेल के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के लिए अपने आशय की घोषणा की थी;

और उक्त अधिसूचना की प्रतियाँ जनता को तारीख 1—10-2003 को उपलब्ध करा दी गई थी;

और सक्षम प्राधिकारी ने उक्त अधिनियम के धारा 6 के उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और, केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाना चाहिए।

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाता है;

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने की बजाय सभी विल्लंगमों से मुक्त इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

तालुका : विरमगाम	जिल्ला : अहमदाबाद		राज्य : गुजरात		
		क्षेत्रफल			
गॉव का नाम	सर्वे संख्या	उप-खण्ड संख्या	हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6
हांसलपुर सेरेश्वर	664	3	0	03	16

[फा. सं. आर-25011/45/2001-ओ.आर I]

रेणुका कुमार, अवर सचिव

New Delhi, the 14th July, 2004

S. O. 1687.— Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 2459 dated 18th August, 2003 issued under sub section (1) of section 3 of the Petroleum and Minerals pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (herein after referred to as the said Act) the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline for the transportation of Crude Oil from Viramgam to Koyli in the State of Gujarat, a pipeline should be laid by the Indian Oil Corporation Limited for implementing the Augmentation of Viramgam – Koyli Section of Salaya-Mathura Pipeline System;

And, whereas, copies of the said notification were made available to the public on 1/10/2003;

And whereas, the Competent Authority has under sub-section (1) of section of 6 of the said Act has submitted his report to the Central Government;

And whereas, the Central Government, after considering the said report is satisfied that the right of user in the land specified in the Schedule appended to this Notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the lands specified in the schedule appended to this notification area hereby acquired;

And further, in the exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the central Government hereby directs that the right of user in the said land shall instead of vesting in the Central Government, vest from the date of publication of this declaration, in the Indian Oil Corporation Limited free from all encumbrances.

SCHEDULE

Taluka : VIRAMGAM		District : AHMEDABAD		State : GUJARAT	
			Area		
Name of the Village	Survey No.	Sub-Division No.	Hectare	Are	Sq. Mtr.
1	2	3	4	5	6
HANSALPUR SERESHVAR	664	3	0	03	16

[No. R-25011/45/2001-O.R.-I]
RENUKA KUMAR, Under Secy.

नई दिल्ली, 14 जुलाई, 2004

का. आ. 1688.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं0 का. आ. 2460 तारीख 18 अगस्त, 2003 द्वारा अधिसूचना से संलग्न अनुसूचि में विनिदृष्ट भूमि में इंडियन ऑयल कॉरपोशन लिमिटेड द्वारा सलाया-मथुरा पाइपलाइन प्रणाली के विरमगाम-कोयली सेक्शन के संवर्धन को कार्यान्वियत करने के लिए, गुजरात राज्य में विरमगाम से कोयली तक अपरिष्कृत तेल के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के लिए अपने आशय की घोषणा की थी;

और उक्त अधिसूचना की प्रतियाँ जनता को तारीख 1-10-2003 को उपलब्ध करा दी गई थी;

और सक्षम प्राधिकारी ने उक्त अधिनियम के धारा 6 के उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और, केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिदिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाना चाहिए।

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाता है;

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने की बजाय सभी विल्लंगमों से मुक्त इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

तालुका : साणंद	जिल्ला : अहमदाबाद		राज्य : गुजरात		
			क्षेत्रफल		
गॉव का नाम	सर्वे संख्या	उप-खण्ड संख्या	हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6
कलाणा	57	2	0	03	12
	117		0	10	03
	137	2	0	03	79
	133		0	04	09
	150		0	00	72

[फा. सं. आर-25011/45/2001-ओ.आर.I]

रेणुका कुमार, अवर सचिव

New Delhi, the 14th July, 2004

S. O. 1688.— Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. **2460** dated **18th August, 2003** issued under sub section (1) of section 3 of the Petroleum and Minerals pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (herein after referred to as the said Act) the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline for the transportation of Crude Oil from Viramgam to Koyli in the State of Gujarat, a pipeline should be laid by the Indian Oil Corporation Limited for implementing the Augmentation of Viramgam – Koyli Section of Salaya-Mathura Pipeline System;

And, whereas, copies of the said notification were made available to the public on 1/10/2003;

And whereas, the Competent Authority has under sub-section (1) of section of 6 of the said Act has submitted his report to the Central Government;

And whereas, the Central Government, after considering the said report is satisfied that the right of user in the land specified in the Schedule appended to this Notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the lands specified in the schedule appended to this notification area hereby acquired;

And further, in the exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the central Government hereby directs that the right of user in the said land shall instead of vesting in the Central Government, vest from the date of publication of this declaration, in the Indian Oil Corporation Limited free from all encumbrances.

SCHEDULE

Taluka : SANAND		District : AHMEDABAD			State : GUJARAT
			Area		
Name of the Village	Survey No.	Sub-Division No.	Hectare	Are	Sq. Mtr.
1	2	3	4	5	6
KALANA	57	2	0	03	12
	117		0	10	03
	137	2	0	03	79
	133		0	04	09
	150		0	00	72

[No. R-25011/45/2001-O.R.-I]
RENUKA KUMAR, Under Secy.

नई दिल्ली, 14 जुलाई, 2004

का. आ. 1689.— केन्द्रीय सरकार, को लोक हित में यह आवश्यक प्रतीत होता है की उड़िसा राज्य मे पारादीप से पश्चिम बंगाल राज्य में हल्दिया तक कच्चे तेल के परिवहन के लिए इंडियन ऑयल कॉरपोरेशन लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए.

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है की ऐसी भूमि जिसके भीतर पाइपलाइन बिछाई जाने का प्रस्ताव है ओर जो इस अधिसूचना से उपाबद्ध अनुसूची मे वर्णित है, मे उपयोग के अधिकार का अर्जन किया जाए.

अत: अब, केन्द्रीय सरकार, पेट्रोलियम ओर खनिज पाइपलाइन (भूमि मे उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उसमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है.

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियॉ साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर भूमि के अन्दर पाइपलाइन बिछाने के संबध में श्री अशोक कुमारं दास, सक्षम प्राधिकारी पारादीप हल्दिया पाइपलाइन परियोजना इंडियन ऑयल कॉरपोरेशन लिमीटेड, इंडियन ऑयल कॉरपोरेशन लिमिटेड मार्केटिंग डिविजन हाउसिंग कॉम्प्लेक्स, मेघडमरू डाकघर - कुरुदा, बालासोर - 756056, (उड़िसा) को लिखित रूप में आक्षेप भेज सकेगा ।

अनुसूची

जिला : बालेसर राज्य : उड़िसा

तहसील का नाम	गाँव का नाम	खसरा संख्या	क्षेत्रफल		
			हेक्टेयर	एयर	वर्ग मीटर
1	2	3	4	5	6
बस्ता	अलाओल	20	0	00	10
		24	0	12	79
		17	0	15	06
		23	0	01	91
	राईसुआं	929	0	15	13
		930	0	01	67
		923	0	04	10
		919	0	17	26
		1568	0	03	90
		941	0	00	60
		914	0	01	85
		1500	0	22	06
		951	0	00	25
		1516	0	00	59
		1519	0	01	97
		952	0	00	10
		1518	0	03	29
		955	0	03	23
		1517	0	08	92
		1570	0	10	55
		956	0	01	16
		957	0	06	66
		961	0	00	23
		903	0	03	71
		1494	0	02	00
		1495	0	00	63
		962	0	03	25
		902	0	07	90
		893	0	03	85
		894	0	02	80
		895	0	00	45
		892	0	04	13
		891	0	00	10
		873	0	16	10
		1470	0	00	42
		876	0	02	03
		1480	0	01	05
		1481	0	00	60
		1407	0	01	07
		1409	0	00	10

1	2	3	4	5	6
		1478	0	01	60
		1479	0	00	10
	कान्ताबनिया	28	0	08	20
		29	0	00	30
		27	0	05	33
		26	0	05	27
		25	0	04	91
		22	0	05	12
		17	0	00	43
		16	0	00	41
		2	0	00	60
		152	0	03	20
		3	0	28	29
		5	0	00	30
		4	0	09	89
	खन्डाहार	1131	0	07	99
		1121	0	05	39
		1120	0	15	11
		1119	0	03	02
		1118	0	00	53
		1117	0	01	76
		1143	0	11	09
		1115	0	00	10
		1068	0	00	92
		1021	0	12	99
		1022	0	03	39
		1023	0	02	74
		1035	0	00	66
		1038	0	04	23
		1037	0	04	49
		1036	0	03	36
	नयापडा	1122	0	24	35
		1128	0	02	43
		1136	0	00	34
		1135	0	03	95
		1129	0	00	10
		1130	0	09	17
		1131	0	00	10
		1068	0	01	61
		1067	0	01	42
		1066	0	01	79
		840	0	05	32
		839	0	01	52
		841	0	03	32
		842	0	00	10
		838	0	08	82

1	2	3	4	5	6
		835	0	08	20
		836	0	14	87
		876	0	00	68
		878	0	05	83
		877	0	00	90
		879	0	04	98
		881	0	14	51
		885	0	14	83
	गोबिन्दा	971	0	14	50
		970	0	02	33
		972	0	00	10
		980	0	14	09
		981	0	08	87
		982	0	00	80
		983	0	14	56
		987	0	02	16
		988	0	09	96
		1015	0	00	54
		1069	0	03	17
		1070	0	10	86
		1071	0	07	57
		1462	0	05	03
		1461	0	05	64
		1466	0	11	97
		1459	0	02	24
		1457	0	06	01
		1456	0	10	16
		1464	0	07	37
		1453	0	05	63
		1452	0	02	52
		1355	0	00	56
		1244	0	09	07
		1246	0	05	66
		1245	0	11	38
		1247	0	06	22
		1248	0	01	64
		1249	0	23	26
	अगामौदा	661	0	06	01
		662	0	16	44
		686	0	06	72
		687	0	06	53
		653	0	00	78
		614	0	10	41
		613	0	03	71
		601	0	14	44
		602	0	03	03

1	2	3	4	5	6
		709	0	02	61
		607	0	06	14
		608	0	00	25
		606	0	11	81
		569	0	00	56
		502	0	17	67
		558	0	00	36
		557	0	11	69
		503	0	01	21
		556	0	17	96
		554	0	00	43
		504	0	00	10
		555	0	03	40
		543	0	08	00
		538	0	07	95
		530	0	01	69
		531	0	00	51
	कडामौदा	473	0	00	33
		474	0	08	79
		470	0	00	69
		468	0	09	32
		467	0	04	89
		427	0	06	61
		469	0	01	02
		466	0	01	20
		465	0	01	32
		431	0	00	37
		436	0	07	59
		432	0	11	05
		433	0	00	18
		455	0	07	95
		434	0	00	45
		438	0	00	21
		437	0	05	82
		436	0	01	95
		440	0	06	48
		435	0	02	83
		443	0	03	62
		441	0	00	10
		442	0	00	23
		447	0	04	94
	बरहमपुर	1117	0	00	10
		1116	0	10	38
		1115	0	10	85
		1114	0	00	10
		1113	0	00	26

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		1111	0	03	40
		1110	0	00	17
		1112	0	09	23
		1109	0	05	73
		1104	0	00	37
		1105	0	06	16
		1106	0	00	71
		1039	0	01	06
		1005	0	06	15
		1004	0	02	42
		1003	0	13	95
		1002	0	00	51
	कडा	7	0	07	48
		6	0	10	60
		5	0	01	92
		1	0	04	29
		4	0	01	80
		3	0	00	82
		2	0	09	82
	मिरिगिमुंडी	1129	0	08	45
		1138	0	17	49
		1133	0	15	31
		1134	0	07	31
		1043	0	13	60
		1040	0	12	51
		1038	0	07	55
		1039	0	02	11
		1037	0	04	86
		1036	0	02	14
		1035	0	12	81
		1021	0	00	91
		1014	0	03	24
		1015	0	03	83
		1017	0	15	57
		940	0	03	34
	हुजा	1	0	02	76
		16	0	02	34
		14	0	07	37
		13	0	10	95
		12	0	03	92
		11	0	06	59
		32	0	02	18
		31	0	06	15
		42	0	08	91
		40	0	00	36
		37	0	00	13

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		38	0	12	44
		39	0	05	86
	सक्तिराम	107	0	07	51
		106	0	01	24
		108	0	06	51
		109	0	14	56
		120	0	01	13
		131	0	06	73
		130	0	00	21
		121	0	18	31
		129	0	01	10
		180	0	00	98
		284	0	16	42
		285	0	09	03
		289	0	07	76
		288	0	06	21
		265	0	01	06
		229	0	12	58
		230	0	03	34
		232	0	07	86
	आंको	2240	0	03	31
		2241	0	06	83
		2242	0	01	11
		2243	0	00	66
		2247	0	01	16
		2248	0	28	10
		2249	0	05	20
		2004	0	04	12
		2002	0	24	14
		1998	0	00	44
		1999	0	05	11
		2001	0	04	57
		2000	0	03	54
		1991	0	00	81
		1966	0	08	68
		1965	0	00	10
		1959	0	00	10
		1958	0	13	49
		1951	0	03	25
		1950	0	03	12
		1949	0	08	69
		1948	0	08	13
	टोलकडिहा	2	0	03	75
		1	0	03	60
		5	0	04	56
		6	0	03	71

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	गोठोगडिया	310	0	01	13
		311	0	00	28
		312	0	05	21
		316	0	00	67
		317	0	00	64
		324	0	08	09
		323	0	04	09
		322	0	04	63
		326	0	22	78
		329	0	00	28
		328	0	03	41
		331	0	00	10
		330	0	06	19
		332	0	08	25
		291	0	00	10
		290	0	00	65
		256	0	15	77
		255	0	08	56
		254	0	00	47
		253	0	04	17
		252	0	04	72
		248	0	01	00
		249	0	01	31
		242	0	04	80
		241	0	01	60
		352	0	03	30
	मैसियाली	116	0	12	38
		118	0	00	15
		110	0	05	52
		108	0	00	82
		45	0	05	30
		46	0	03	23
		48	0	02	27
		47	0	04	09
		49	0	04	95
		50	0	15	46
		56	0	15	06
		57	0	08	44
		58	0	01	50
		55	0	01	37
		21	0	00	12
		3	0	01	50
		2	0	02	10
		1	0	02	41
	धपाकन्द	98	0	02	77
		97	0	02	72

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		96	0	03	26
		94	0	00	55
		95	0	06	17
		102	0	10	49
		104	0	04	08
		105	0	00	90
		106	0	00	64
		103	0	13	35
		116	0	00	51
		117	0	00	47
		129	0	24	47
		135	0	00	10
		145	0	02	39
		144	0	10	76
		147	0	01	97
		143	0	00	10
		148	0	20	56
		154	0	00	10
		149	0	01	57
		150	0	05	59
		153	0	01	25
		151	0	00	32
		152	0	01	10
		157	0	00	91
		140	0	00	10
		158	0	05	60
		161	0	00	42
		1016	0	00	97
		1017	0	06	03
		1018	0	02	11
		1019	0	04	00
		1021	0	01	46
		1020	0	11	80
		1025	0	01	64
		1058	0	00	10
		1057	0	04	76
		1056	0	06	59
		1055	0	00	27
		1027	0	01	36
		1042	0	01	93
		1034	0	01	15
		1035	0	07	97
		1036	0	11	62
		1048	0	24	24
		1074	0	02	04
		1113	0	00	10

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		1112	0	06	36
		1110	0	00	49
		1109	0	11	10
		1108	0	01	18
		1107	0	01	30
		1119	0	13	66
		1127	0	00	10
		1126	0	11	20
		1124	0	11	33
		1123	0	00	66
	तिगीरिया	162	0	00	61
		160	0	01	38
		161	0	15	99
		157	0	01	78
		146	0	07	60
		147	0	01	95
		148	0	03	87
		145	0	10	25
		144	0	04	23
		140	0	00	13
		278	0	01	31
		136	0	14	07
		139	0	01	44
		138	0	03	63
		277	0	01	44
		111	0	06	55
		112	0	01	83
		113	0	04	20
		114	0	08	77
		115	0	06	35
		116	0	17	11
		98	0	00	69
		88	0	07	25
		92	0	00	12
		90	0	04	82
		91	0	00	10
	पोडापाडा	147	0	11	01
		155	0	01	06
		156	0	09	99
		158	0	07	93
		159	0	00	38
		167	0	02	64
		166	0	03	49
		164	0	07	15
		170	0	00	96
		173	0	00	49

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		174	0	04	67
		176	0	03	07
		175	0	00	21
		177	0	09	32
		202	0	00	40
		203	0	00	12
		201	0	00	10
		181	0	08	09
		183	0	01	21
		200	0	20	93
		198	0	15	40
		205	0	00	10
		207	0	01	69
	लक्ष्मनपडा	340	0	01	99
		339	0	09	26
	धनाहांडा	660	0	05	41
		661	0	00	95
		659	0	15	91
		665	0	02	22
		637	0	00	72
		618	0	02	81
		620	0	02	98
		619	0	01	15
		627	0	00	65
		628	0	00	15
		615	0	04	38
		614	0	14	22
		597	0	01	12
		193	0	03	49
		196	0	00	81
		190	0	00	35
		194	0	08	20
		189	0	00	54
		188	0	00	10
		186	0	08	45
		184	0	00	71
		132	0	10	35
		133	0	03	76
		131	0	07	09
		129	0	00	10
		130	0	03	21
		135	0	01	05
		31	0	04	91
		33	0	01	02
		32	0	06	50
		34	0	00	22

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		29	0	10	56
		28	0	02	77
		30	0	00	10
		411	0	16	45
		12	0	02	05
	बेगुनिया	266	0	01	99
		102	0	00	43
		104	0	02	44
		103	0	00	13
		105	0	09	82
		106	0	07	45
		107	0	00	10
		109	0	02	18
		113	0	05	61
		111	0	01	07
		112	0	20	31
		115	0	01	08
		261	0	00	96
		260	0	10	29
		259	0	06	18
		258	0	03	76
		234	0	40	38
		119	0	02	57
		120	0	08	24
		232	0	02	05
		233	0	01	96
		228	0	04	36
	कदलिहन्डा	338	0	04	72
		419	0	00	42
		418	0	07	92
		420	0	00	62
		416	0	05	16
		415	0	02	70
		427	0	01	02
		414	0	02	35
		413	0	01	94
		372	0	00	79
		412	0	00	95
		404	0	11	29
		405	0	01	78
		403	0	03	68
		472	0	00	20
		402	0	00	28
		400	0	00	10
		399	0	03	46
		474	0	11	29

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		475	0	00	10
		962	0	02	74
		477	0	04	33
		1178	0	01	06
		518	0	01	97
		519	0	00	94
		602	0	03	80
		520	0	00	27
		521	0	04	34
		531	0	02	26
		530	0	04	43
		529	0	06	76
		545	0	02	36
		543	0	01	72
		544	0	03	11
		555	0	00	53
		556	0	04	93
		565	0	02	09
		567	0	03	34
		568	0	08	30
		566	0	02	81
		564	0	03	39
		569	0	14	77
		579	0	08	98
		570	0	04	14
		571	0	04	17
		572	0	00	73
		573	0	04	31
		574	0	02	03
		575	0	01	08
		186	0	04	85
		1173	0	05	30
	कुंडेई	784	0	01	80
		426	0	02	03
		311	0	01	96
		315	0	00	88
		312	0	02	71
		314	0	00	22
		313	0	04	33
		309	0	00	25
		308	0	02	22
		306	0	00	10
		307	0	05	84
		301	0	00	80
		302	0	07	30
		304	0	01	62

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		324	0	02	89
		325	0	03	22
		326	0	02	01
		327	0	02	01
		359	0	04	76
		358	0	03	12
		360	0	03	58
		357	0	12	31
		392	0	09	25
		398	0	00	72
		399	0	00	93
		400	0	03	53
		401	0	03	85
		402	0	02	58
		403	0	18	15
		404	0	24	77
		347	0	00	19
		230	0	00	56
		226	0	07	29
		225	0	04	84
		227	0	00	10
		206	0	10	21
		208	0	07	67
	पलासिया	139	0	06	49
		138	0	12	27
		137	0	05	48
		126	0	12	26
		132	0	08	82
		26	0	00	82
		60	0	13	64
		62	0	12	51
		64	0	02	94
		63	0	02	90
		65	0	03	44
		66	0	09	16
		67	0	05	29
		68	0	01	62
		69	0	04	69
		74	0	00	75
		72	0	00	10
		70	0	06	47
	दराडा	2000	0	07	23
		2001	0	07	99
		2002	0	07	31
		2908	0	02	35

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		2909	0	43	20
		2911	0	12	74
		2910	0	00	75
		2912	0	01	72
		2915	0	09	33
		2916	0	02	19
		2922	0	00	10
		2923	0	06	77
		2924	0	04	86
		2925	0	01	48
		2926	0	11	54
		2952	0	20	90
		2947	0	01	08
		2946	0	18	59
		2959	0	09	71
		2968	0	10	75
		2970	0	02	97
		2971	0	04	09
		2966	0	00	10
		2981	0	03	13
		2979	0	01	00
		2980	0	04	99
		2988	0	09	53
		2989	0	02	70
		2990	0	04	55
		3115	0	05	65
		3114	0	10	24
		3113	0	02	17
		3112	0	03	20
		3109	0	00	10
		3111	0	01	73
		3110	0	00	74
		3144	0	02	28
		3145	0	00	10
		3087	0	04	33
		3085	0	00	49
		3086	0	02	03
		3084	0	00	98
		3082	0	01	37
		3081	0	00	10
		3083	0	02	28
		3148	0	02	92
		3149	0	00	59
		3156	0	10	26
		3152	0	02	83
		3151	0	03	98

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		3153	0	03	15
		3167	0	01	81
		3168	0	02	28
		3169	0	05	35
		3170	0	05	40
		3171	0	06	12
		3212	0	00	10
	दान्डि	77	0	00	18
		71	0	03	87
		76	0	09	08
		75	0	01	02
		78	0	02	31
		79	0	01	49
		80	0	02	35
		81	0	00	10
		82	0	08	21
		83	0	00	45
		84	0	22	94
		93	0	06	47
		85	0	03	35
		86	0	05	53
		161	0	01	89
	दुन्डा	154	0	04	52
		440	0	04	02
		441	0	02	39
		442	0	04	32
		443	0	03	96
		446	0	03	40
		461	0	01	64
		450	0	05	57
		449	0	00	77
		454	0	04	86
		455	0	05	38
		457	0	04	35
		456	0	04	70
		404	0	06	23
		403	0	00	35
		492	0	07	08
		392	0	01	21
		391	0	11	79
		390	0	00	30
		387	0	00	82
		385	0	12	99
		519	0	16	08
		530	0	00	56
		529	0	09	33

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		528	0	01	92
		531	0	11	27
		532	0	01	98
		535	0	07	45
		1184	0	01	85
		1185	0	05	77
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		1187	0	02	63
		1188	0	11	49
		1229	0	03	67
		1230	0	02	54
		1231	0	01	65
		1241	0	00	34
	कुसिदा	24	0	00	83
		25	0	02	39
		63	0	01	19
		64	0	10	88
		65	0	01	57
		117	0	00	84
		127	0	01	39
		128	0	09	71
		132	0	06	86
		133	0	06	12
		135	0	05	18
		138	0	15	28
		140	0	03	47
		141	0	04	45
		142	0	02	81
		143	0	02	61
		150	0	00	46
		151	0	03	63
		149	0	00	30
		152	0	02	94
		153	0	12	10
		154	0	01	70
		161	0	04	18
		169	0	00	98
		170	0	09	04
		171	0	01	32
		172	0	03	21
		173	0	02	79
		174	0	03	18
		175	0	02	22
		176	0	00	33
		177	0	02	69
	छाँचना	757	0	00	10

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		786	0	15	88
		787	0	04	16
	सियालियापदा	37	0	18	34
		33	0	13	97
		40	0	01	12
		22	0	00	75
		19	0	06	59
		21	0	11	61
		14	0	01	38
	बालिसाही	425	0	03	76
		2366	0	04	47
		2368	0	01	02
		426	0	02	47
		2367	0	06	85
		428	0	00	72
		429	0	00	41
		528	0	07	57
		430	0	03	78
		527	0	04	81
		431	0	00	10
		526	0	03	39
		523	0	03	69
		522	0	03	22
		2346	0	00	89
		509	0	04	70
		508	0	03	20
		506	0	00	10
		507	0	05	57
		448	0	02	33
		447	0	01	55
		449	0	01	72
		450	0	04	31
		451	0	03	18
		457	0	00	90
		459	0	02	01
		458	0	02	41
		467	0	04	23
		496	0	00	58
		497	0	01	98
		482	0	05	25
		2362	0	01	49
		481	0	02	46
		485	0	05	90
		477	0	03	30
		476	0	01	00
		486	0	05	94

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		2260	0	01	71
	पुट्टरा	246	0	01	28
		245	0	05	35
		249	0	09	96
		237	0	09	87
		236	0	06	47
		235	0	00	51
		224	0	01	06
		225	0	03	97
		223	0	01	93
		220	0	09	58
		215	0	01	10
		214	0	10	30
		212	0	12	90
		213	0	03	14
		210	0	00	20
		211	0	06	68
		209	0	00	95
		208	0	04	15
		207	0	06	30
		206	0	10	94
		203	0	03	90
		181	0	00	15
		202	0	04	33
		201	0	05	50
		185	0	01	50
		184	0	03	65
	कमारगडिया	31	0	03	22
		32	0	01	93
		33	0	02	15
		28	0	01	39
		43	0	02	24
		27	0	01	01
		44	0	05	35
		45	0	07	32
		25	0	04	75
		48	0	01	87
		22	0	07	65
		49	0	02	09
		20	0	09	50
		56	0	00	80
		57	0	04	83
		19	0	02	21
	जाममुली	1691	0	00	87
		1692	0	05	69
		1694	0	04	01

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		1695	0	02	05
		2275	0	03	75
		2276	0	01	51
		1696	0	07	40
		1694	0	00	43
		1697	0	09	50
		1678	0	01	30
		1700	0	08	14
		1707	0	00	10
		1701	0	03	25
		1705	0	05	90
		1704	0	11	98
		1703	0	00	10
		1725	0	07	08
		1726	0	00	59
		1727	0	04	66
		1666	0	00	67
		1728	0	03	47
		1729	0	02	33
		1736	0	07	17
		1737	0	02	57
		1738	0	04	01
		1754	0	04	20
		1755	0	05	15
		1753	0	03	73
		1761	0	00	78
		1760	0	06	08
		1762	0	11	38
		1797	0	14	38
		1775	0	01	47
		1774	0	14	02
		1784	0	07	43
		1785	0	17	02
		1786	0	03	43
	मुहालिपवा	364	0	00	10
		374	0	06	62
		414	0	01	70
		415	0	01	25
		416	0	01	76
		467	0	03	22
		1309	0	02	34
		466	0	00	10
		465	0	01	74
		469	0	01	69
		1401	0	08	20
		472	0	11	58

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		473	0	10	09
		474	0	00	10
		645	0	09	71
		644	0	12	83
		643	0	10	03
		1412	0	06	73
		642	0	06	42
		641	0	14	97
		674	0	02	53
		1351	0	03	02
		676	0	10	69
		693	0	09	40
		692	0	07	84
		691	0	00	10
	आछुयापदा	302	0	08	11
		301	0	07	87
		300	0	01	37
		299	0	09	23
		298	0	01	87
		297	0	01	29
		296	0	03	64
		295	0	00	36
		293	0	05	80
		294	0	01	50
		286	0	08	79
		285	0	06	53
		284	0	01	14
		283	0	05	44
		339	0	01	17
		440	0	02	79
		338	0	01	95
		340	0	05	90
		344	0	04	64
		345	0	04	69
		346	0	02	75
	पथदुर्गा	1307	0	02	66
		1305	0	01	47
		1308	0	05	23
		1309	0	04	63
		1310	0	03	55
		1316	0	02	84
		1313	0	08	72
	त्रैलोकी	358	0	05	59
		359	0	03	08
		357	0	01	31
		360	0	05	72

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		361	0	03	18
		362	0	03	40
		363	0	03	56
		364	0	06	03
		338	0	02	27
		365	0	00	30
		337	0	05	30
		336	0	05	07
		335	0	06	09
		334	0	05	30
		448	0	00	96
		330	0	07	84
		313	0	00	49
		456	0	02	28
		310	0	09	31
		311	0	01	68
		326	0	02	49
		314	0	00	49
		325	0	00	77
		324	0	02	84
		322	0	03	40
		323	0	18	19
		321	0	00	10
	सिंगीपुर	115	0	00	10
		116	0	10	84
		117	0	04	62
		133	0	00	86
	नवेरा	171	0	00	10
		170	0	01	08
		169	0	01	88
		168	0	02	41
		156	0	18	04
		155	0	01	72
		154	0	01	32
		153	0	03	22
		152	0	02	11
		151	0	02	32
		150	0	02	08
		149	0	02	13
		147	0	01	15
		148	0	08	31
		2793	0	03	03
		2819	0	00	55
		132	0	12	90
		135	0	00	49
		134	0	01	20

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		133	0	03	41
		1164	0	05	24
		1163	0	06	82
		2144	0	04	03
		2145	0	02	54
		2146	0	02	50
		2147	0	08	14
		2150	0	00	96
		2216	0	02	58
		2215	0	03	95
		2218	0	07	03
		2217	0	01	31
		2214	0	00	85
		2213	0	03	79
		2219	0	06	42
		2209	0	02	13
		2220	0	02	65
		2360	0	07	90
		2361	0	06	55
		2362	0	00	24
		2363	0	00	81
		2364	0	02	64
		2366	0	00	10
		2365	0	05	51
		2350	0	09	32
		2369	0	01	09
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		2451	0	06	32
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		2457	0	03	22
		2448	0	01	19
		2458	0	00	45
		2460	0	06	71
		2459	0	02	29
		2507	0	00	10
		2461	0	17	34
		2464	0	09	83
		2445	0	00	10
		2465	0	06	55
		2469	0	02	63
		2467	0	00	40
		2468	0	01	15
		2503	0	05	27
		2471	0	00	86

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		2500	0	08	99
		2499	0	06	20
		2498	0	01	59
		2497	0	03	45
		2495	0	00	10
		2496	0	06	23
बालियापाल	रेमु	1565	0	06	95
		1564	0	05	74
		1571	0	05	37
		1570	0	00	13
		1572	0	00	10
		1995	0	09	17
		1549	0	00	64
		1574	0	08	26
		1573	0	00	76
		1575	0	00	49
		1531	0	08	88
		1530	0	01	12
		1529	0	06	12
		1528	0	02	66
		1527	0	05	44
		1517	0	03	22
		1516	0	12	79
		1515	0	03	76
		1506	0	03	32
		1507	0	11	24
		1319	0	02	42
		1324	0	04	65
		1333	0	00	10
		1325	0	05	73
		1334	0	02	98
		1335	0	01	75
		1336	0	00	10
		1286	0	01	54
		1285	0	01	57
		1284	0	01	53
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		1001	0	01	62
		1008	0	02	10
		1002	0	05	00
		1003	0	03	64
		995	0	00	67
		1005	0	00	10
		994	0	15	81

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		1959	0	01	67
		983	0	04	56
		861	0	03	95
		865	0	08	16
		982	0	00	97
		866	0	03	43
		824	0	02	72
		823	0	06	83
		822	0	00	97
		801	0	00	10
		802	0	01	89
		803	0	04	78
		804	0	03	89
		791	0	00	89
		790	0	06	72
		789	0	02	84
		788	0	01	32
		888	0	00	35
		889	0	09	50
		890	0	00	96
		785	0	13	45
		784	0	00	70
		779	0	02	80
		778	0	02	09
		728	0	00	10
		729	0	00	57
		730	0	08	84
		751	0	01	22
		750	0	11	66
	गोकुलानन्दपुर	128	0	08	16
		127	0	00	10
		131	0	14	18
		126	0	08	58
	धानंदा	276	0	07	03
		427	0	00	42
		281	0	12	22
		294	0	04	24
		295	0	00	15
		293	0	05	74
		282	0	00	69
		291	0	00	81
		290	0	06	25
		416	0	00	88
		289	0	03	25
		302	0	01	58

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		304	0	07	74
		280	0	04	89
		259	0	04	85
		309	0	09	90
		312	0	00	10
		310	0	01	01
		311	0	03	05
		352	0	04	69
		392	0	03	50
		350	0	00	19
		351	0	02	30
		401	0	00	83
		345	0	00	49
		344	0	10	35
		338	0	02	25
		337	0	01	37
		336	0	01	72
		333	0	04	64
	पिछौरा	1686	0	07	15
		1251	0	01	12
		1250	0	00	10
		1674	0	03	48
		1252	0	14	48
		1253	0	04	21
		1192	0	10	76
		1193	0	00	11
		1191	0	01	82
		1190	0	04	63
		1189	0	06	75
		1188	0	00	39
		1187	0	00	10
		1278	0	02	09
		1279	0	04	51
		1280	0	01	58
		2561	0	04	51
		2560	0	02	96
		1286	0	01	88
		1297	0	03	33
		1295	0	00	71
		1298	0	00	22
		1296	0	02	40
		1293	0	00	14
		1287	0	05	94
		1288	0	00	95
		1290	0	04	49

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		2562	0	01	14
		1171	0	00	10
		1312	0	01	35
		1331	0	00	10
		1332	0	08	82
		1333	0	03	41
		1334	0	00	71
		1335	0	02	59
		1337	0	01	33
		1336	0	01	61
		2642	0	00	71
		2641	0	02	45
		2640	0	04	42
		2639	0	01	80
		1112	0	05	22
		1111	0	03	73
		1091	0	02	59
		1093	0	02	15
		1092	0	03	82
		1002	0	08	92
		2507	0	00	10
		1089	0	00	14
		991	0	00	39
		994	0	00	10
		996	0	00	29
		959	0	00	10
		2454	0	00	10
		990	0	00	70
		989	0	09	13
		988	0	09	23
		987	0	03	02
		992	0	01	32
		985	0	02	30
		983	0	05	55
		982	0	00	29
		981	0	03	84
		980	0	00	64
		979	0	00	74
		978	0	00	26
		977	0	03	04
		976	0	01	72
		1018	0	01	82
		2450	0	03	61
		966	0	02	35
		2458	0	02	27

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		963	0	01	35
		960	0	01	93
		961	0	01	07
		962	0	00	10
		938	0	02	26
		939	0	02	05
		940	0	02	29
		943	0	01	33
		944	0	00	32
		935	0	04	10
		706	0	05	07
		707	0	04	54
		704	0	00	04
		690	0	02	01
		691	0	05	12
		689	0	05	68
		692	0	00	34
		694	0	00	21
		688	0	01	84
		687	0	02	58
		686	0	02	25
		685	0	04	95
		683	0	01	76
		679	0	00	99
		678	0	03	82
		675	0	00	48
		677	0	00	52
		676	0	04	54
		2449	0	01	81
		601	0	01	65
		2516	0	01	25
		2515	0	00	86
		2514	0	00	72
		602	0	00	60
		603	0	01	20
		600	0	02	25
		604	0	00	56
		606	0	01	18
		607	0	00	10
		553	0	12	99
		2447	0	02	52
		562	0	04	72
		561	0	02	12
		560	0	00	14
		559	0	02	73

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		2532	0	03	04
		558	0	00	64
	पालपदा	1477	0	08	61
		1480	0	00	38
		1478	0	03	87
		1479	0	01	68
		1504	0	01	50
		1511	0	00	10
		1510	0	00	73
		1509	0	02	36
		1508	0	04	01
		1514	0	02	76
		1507	0	00	10
		2392	0	00	10
		1506	0	00	48
		2391	0	00	63
		1515	0	00	26
		1525	0	01	33
		1524	0	02	98
		1527	0	02	77
		1650	0	01	06
		1649	0	06	31
		1648	0	03	83
		1646	0	03	28
		1659	0	00	24
		2399	0	01	40
		2393	0	01	54
		1660	0	09	48
		1348	0	02	54
		2394	0	00	56
		1637	0	00	10
		1661	0	03	20
		1662	0	00	29
		2213	0	02	40
		1664	0	02	44
		1665	0	02	73
		1666	0	01	46
		1667	0	00	87
		1668	0	00	34
		1669	0	00	10
		1678	0	00	40
		1680	0	00	27
		1679	0	02	90
		1694	0	07	19
		1345	0	00	75
		1344	0	00	10

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		1349	0	04	84
		1350	0	00	10
		1346	0	02	54
		1351	0	04	19
		2269	0	03	80
		1347	0	05	05
		1176	0	15	29
		1170	0	00	21
		1169	0	00	65
		1168	0	00	70
		1167	0	00	83
		1166	0	02	04
		2410	0	00	56
		1177	0	03	19
		1178	0	00	83
		1180	0	04	40
		1182	0	00	10
		1181	0	07	50
		1183	0	07	21
		1186	0	06	59
		1187	0	06	28
		1188	0	09	43
		1189	0	11	28
		1001	0	04	64
		1002	0	01	85
		1000	0	06	09
		1004	0	03	90
		1006	0	03	64
		991	0	02	22
		2189	0	12	50
		988	0	05	75
		990	0	00	10
		989	0	04	89
		908	0	03	95
		909	0	02	68
		2314	0	01	17
		912	0	00	51
		2162	0	06	80
		910	0	00	10
		913	0	02	27
		868	0	01	28
		783	0	00	27
		2244	0	00	54
		784	0	08	92
		785	0	03	15

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		787	0	01	36
		788	0	02	22
		2344	0	01	36
		789	0	02	48
		790	0	03	47
		807	0	01	99
		806	0	06	56
		805	0	00	60
		536	0	00	36
		537	0	02	17
		538	0	00	64
		547	0	01	93
		548	0	01	09
		535	0	00	19
		533	0	00	10
		534	0	00	10
		549	0	03	14
		550	0	02	02
		551	0	01	38
		555	0	04	21
		556	0	00	41
		574	0	00	45
		573	0	06	35
		572	0	01	20
		568	0	00	32
		581	0	07	45
		580	0	00	10
		566	0	06	65
		562	0	02	22
		563	0	02	87
		184	0	00	97
		190	0	01	13
		191	0	01	42
		192	0	01	44
		193	0	03	20
		194	0	00	33
		2365	0	02	42
		195	0	00	80
		197	0	00	23
		196	0	01	70
		207	0	00	10
		204	0	01	94
		206	0	03	32
		205	0	00	41
		211	0	01	31

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		214	0	00	12
		213	0	05	50
		224	0	02	54
		43	0	00	68
		223	0	01	05
		229	0	00	29
		230	0	00	15
		42	0	01	65
		41	0	02	28
		40	0	01	87
		37	0	05	72
		34	0	02	64
		32	0	09	80
	दखिनपडा	43	0	04	21
		44	0	01	06
		45	0	01	37
		46	0	00	38
		47	0	00	10
		800	0	04	18
		42	0	02	09
		41	0	07	46
		761	0	02	92
		40	0	08	02
		34	0	06	41
		36	0	00	27
		35	0	01	20
		1	0	04	70
		2	0	00	51
		750	0	04	34
		758	0	00	91
जलेश्वर	उत्तरपडा	1050	0	12	43
		1051	0	00	69
		1052	0	00	54
		1093	0	02	01
		960	0	04	47
		959	0	03	49
		957	0	01	02
		955	0	00	85
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		1735	0	01	68
		952	0	04	25
		951	0	01	42
		839	0	01	28
		894	0	05	36
		893	0	02	28

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		842	0	00	10
		892	0	01	72
		1653	0	01	35
		844	0	02	39
		890	0	00	39
		1652	0	01	92
		846	0	03	18
		1585	0	02	47
		867	0	01	21
		847	0	03	11
		848	0	00	75
		849	0	01	07
		1614	0	02	49
		797	0	01	20
		610	0	04	92
		1616	0	00	33
		611	0	02	43
		612	0	03	77
		642	0	01	41
		641	0	04	32
		640	0	01	91
		647	0	00	14
		648	0	02	31
		649	0	00	25
		650	0	01	91
		639	0	01	47
		651	0	01	60
		638	0	01	44
		1570	0	01	70
		637	0	06	40
		664	0	00	08
		631	0	00	68
		666	0	00	47
		667	0	01	45
		668	0	00	90
		669	0	04	19
		670	0	04	49
		671	0	00	13
		1746	0	00	60
		673	0	01	87
		672	0	08	26
		681	0	00	42
		683	0	00	12
	खालाबडिया	97	0	00	18
		98	0	00	18

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		99	0	02	58
		101	0	02	15
		812	0	01	26
		100	0	01	92
		890	0	00	43
		112	0	09	05
		892	0	02	31
		893	0	00	77
		119	0	04	24
		242	0	06	06
		860	0	00	62
		243	0	04	15
		245	0	03	65
		244	0	02	75
		246	0	02	85
		247	0	00	38
		237	0	06	99
		249	0	02	83
		235	0	00	10
		234	0	04	08
		251	0	00	31
		233	0	05	50
		252	0	01	57
		253	0	05	15
		254	0	05	83
		277	0	00	45
		276	0	04	99
		258	0	05	45
		255	0	00	40
		257	0	02	43
		259	0	02	70
		260	0	02	56
		897	0	01	24
		261	0	00	66
	कसिंदा	1510	0	16	06
		1509	0	04	44
		1173	0	00	80
		1508	0	02	37
		1174	0	03	90
		1718	0	03	23
		1175	0	04	09
		1176	0	07	56
		1183	0	00	45
		1181	0	00	70
		1177	0	00	60
		1180	0	02	78

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		1178	0	03	05
		1254	0	10	68
		1251	0	00	35
		1249	0	02	99
		1250	0	03	62
		1244	0	04	64
		1243	0	04	03
		1241	0	05	53
		1240	0	00	06
		1239	0	03	84
		1290	0	07	17
		1291	0	04	79
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		531	0	00	45
		543	0	00	90
		544	0	02	99
		571	0	00	14
		570	0	02	19
		566	0	00	10
		569	0	00	02
		1705	0	02	01
		554	0	02	51
		555	0	02	86
		565	0	03	94
		556	0	06	79
		557	0	07	93
		551	0	00	49
		561	0	00	07
		558	0	06	84
		1347	0	01	57
		350	0	01	15
		351	0	02	32
		355	0	00	46
		347	0	02	55
		346	0	11	25
		327	0	00	36
		329	0	02	82
		328	0	01	95
		330	0	04	60
		318	0	01	60
		331	0	01	56

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	देवकुमार	161	0	06	03
		162	0	00	39
		156	0	04	75
		155	0	03	77
		154	0	05	07
		153	0	00	97
		157	0	00	10
		152	0	03	69
		151	0	01	62
		97	0	01	29
		150	0	00	38
		98	0	05	42
		144	0	00	26
		99	0	07	04
		101	0	02	86
		102	0	01	25
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		103	0	07	32
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		112	0	00	57
		109	0	05	15
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		244	0	00	42
		245	0	00	10
		248	0	04	52
		249	0	00	79
		674	0	00	29
		675	0	01	42
	गौरीबेलदा	541	0	03	10
		542	0	03	84
		543	0	01	99

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		546	0	01	32
		862	0	06	94
		863	0	02	96
		864	0	02	55
		871	0	01	95
		869	0	00	13
		870	0	05	22
	सुल्तानपुर	75	0	02	07
		76	0	00	10
		77	0	00	10
		79	0	04	75
		80	0	00	74
		81	0	00	89
		139	0	05	99
		126	0	06	23
		127	0	00	87
		135	0	02	46
	सिमुलिया	37	0	00	58
		38	0	05	22
		47	0	05	55
		52	0	00	10
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		68	0	06	49
		127	0	01	72
		134	0	03	58
		128	0	10	12
		130	0	01	47
		131	0	01	15
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		132	0	02	47
		122	0	04	25
		160	0	01	38
		161	0	05	20
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		213	0	06	23
		212	0	00	18
		211	0	05	23
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		73	0	02	98
		71	0	05	07
		74	0	03	51
		76	0	02	18
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		78	0	07	38
		81	0	00	41
		80	0	04	26
		83	0	04	70
		84	0	04	97
		85	0	04	64
		86	0	06	09
		209	0	00	24
		208	0	04	59
		1110	0	01	87
		207	0	02	23
		210	0	04	43
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		214	0	00	10
		213	0	02	09
		547	0	02	67
		215	0	00	84
		546	0	07	50
		544	0	04	97
		558	0	00	12
		543	0	08	58
		542	0	02	97
		541	0	01	34
		537	0	06	04
		534	0	04	10
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		1179	0	00	06
		1178	0	00	93
		786	0	02	12
		788	0	01	99
		787	0	02	39
		789	0	02	41
		790	0	02	27

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		795	0	02	09
		777	0	01	83
		774	0	01	11
		773	0	00	81
		796	0	01	21
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		798	0	00	10
		772	0	05	45
		763	0	05	99
		762	0	05	48
		888	0	00	28
		887	0	02	30
		886	0	06	61
		885	0	05	68
		884	0	01	16
		846	0	08	36
		834	0	00	10
		872	0	00	33
		847	0	10	87
		849	0	01	17
		850	0	01	61
		854	0	00	23
		851	0	05	80
		852	0	00	69
	झाउपिंपल	1246	0	02	29
		1228	0	00	32
	खुलुउा	2753	0	01	21
		2106	0	02	18
		2105	0	00	97
		2104	0	00	95
		2103	0	01	42
		2108	0	15	51
		2109	0	01	93
		2147	0	01	13
		2146	0	06	86
		2145	0	01	55
		2152	0	10	97
		2179	0	00	48
		2170	0	01	84
		2178	0	01	11
		2177	0	02	89
		2176	0	05	66
		2180	0	06	15

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		2545	0	01	25
		2547	0	01	11
		2544	0	03	56
		2543	0	06	25
		2852	0	07	51
		2872	0	00	10
		2560	0	05	69
		2542	0	01	95
		2561	0	04	43
		2562	0	04	58
		2533	0	04	59
		2532	0	05	43
		2531	0	04	96
		2576	0	01	19
		2751	0	02	13
	उलुडा	1	0	02	17
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		85	0	01	14
		83	0	03	35
		89	0	00	64
		81	0	03	86
		82	0	01	88
		80	0	00	95
		98	0	00	10
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		99	0	00	10
		78	0	01	16
		77	0	01	59
		76	0	00	78
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		103	0	00	22
		74	0	01	26
		104	0	00	21
		110	0	03	98
		105	0	00	45
		106	0	00	44
		107	0	00	33
		108	0	00	24
		109	0	00	24
		111	0	03	95
		122	0	01	21
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		116	0	00	55
		1899	0	01	61
		128	0	01	64
		132	0	01	63
		133	0	09	18
		141	0	02	85
		139	0	05	74
		159	0	09	07
		140	0	00	10
		158	0	00	71
		160	0	04	71
		157	0	02	16
		161	0	01	94
		238	0	00	41
		156	0	03	03
		239	0	00	14
		155	0	03	24
		154	0	00	54
		290	0	01	19
		289	0	04	25
		288	0	01	27
		301	0	02	42
		286	0	05	07
		302	0	00	90
		285	0	00	86
		304	0	04	80
		303	0	04	75
		363	0	08	25
		343	0	00	65
		344	0	01	51
		2020	0	01	09
		359	0	05	01
		361	0	00	93
		360	0	02	24
		358	0	01	74
		1950	0	00	21
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		430	0	06	28
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		477	0	00	58
		433	0	01	92

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		434	0	00	20
		473	0	01	77
		472	0	01	28
		498	0	04	50
		2019	0	01	13
		2018	0	01	18
		500	0	00	70
		501	0	04	44
		502	0	07	11
		1062	0	01	59
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		1025	0	07	71
		1865	0	03	77
		1104	0	09	42
		1105	0	06	48
		1106	0	20	93
		1946	0	04	13
		1109	0	03	80
		1110	0	01	89
		1111	0	06	95
		1112	0	03	32
		1113	0	04	14
		1114	0	07	01
		1115	0	00	10
		1117	0	00	88
		1116	0	02	76
		1120	0	00	55
		1141	0	02	07
		1122	0	04	87
		1123	0	01	74
		1124	0	01	26
		1125	0	01	23
		1126	0	01	61
	नुआपली	5	0	03	19
		1676	0	01	26
		6	0	02	82
		7	0	00	70
		9	0	03	96
		8	0	00	87
		14	0	01	06
		10	0	03	01

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		29	0	00	96
		27	0	00	67
		1678	0	00	64
		26	0	04	98
		24	0	04	08
		25	0	06	32
		1682	0	03	59
		55	0	00	31
		56	0	03	64
		71	0	07	85
		57	0	00	14
		70	0	04	31
		72	0	02	15
		122	0	06	55
		1660	0	00	34
		121	0	00	52
		129	0	01	16
		130	0	01	22
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		168	0	00	22
		167	0	04	83
		166	0	03	58
		165	0	00	10
		170	0	12	55
		171	0	06	85
		178	0	00	10
		177	0	15	38
		176	0	04	19
		226	0	05	55
		227	0	00	20
		341	0	05	40
		371	0	03	27
		1620	0	06	82
		372	0	08	19
		373	0	05	77
		380	0	01	60
		374	0	00	68
		379	0	06	43
		377	0	13	47
		378	0	00	80
	नचिंदा	1805	0	03	06
		1806	0	00	97

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		1816	0	02	85
		1828	0	06	01
		1827	0	03	33
		1824	0	04	06
		1826	0	00	40
		1825	0	07	27
		1834	0	04	48
		1836	0	11	54
		1916	0	03	75
		1917	0	01	54
		1918	0	01	42
		1927	0	03	33
		1928	0	00	80
		1926	0	00	22
		1929	0	08	12
		1930	0	04	40
		1935	0	00	23
	देउँरा	17	0	02	05
		19	0	05	63
		18	0	02	23
		21	0	05	58
		73	0	00	28
		71	0	07	55
		72	0	08	36
		79	0	10	67
		81	0	00	50
		78	0	04	96
		152	0	08	18
		82	0	02	97
		150	0	05	45
		151	0	00	10
		149	0	02	48
		927	0	00	35
		148	0	01	61
		131	0	02	26
		134	0	00	87
		133	0	01	61
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		129	0	00	10
		135	0	00	56
		138	0	00	81
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		137	0	01	38
		125	0	01	75
		955	0	08	00

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		217	0	00	88
		214	0	00	28
		216	0	06	89
		878	0	03	79
		357	0	03	75
		361	0	13	12
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		384	0	00	10
		383	0	04	58
		364	0	00	33
		382	0	03	81
		374	0	01	54
		380	0	00	90
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		376	0	02	40
		377	0	02	21
		378	0	02	16
		667	0	01	06
		668	0	08	46
		669	0	02	84
		670	0	01	65
		692	0	18	53
		946	0	00	48
		691	0	00	48
		697	0	08	55
		698	0	00	10
		696	0	02	04
		695	0	08	58
		662	0	01	68
		863	0	02	73
		864	0	01	96
		865	0	05	70
		866	0	06	15
	रघुचक	422	0	05	98
	कुसुदा	4031	0	01	82
		2919	0	00	80
		4032	0	00	10
		3967	0	01	84

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		2925	0	00	45
		2946	0	02	19
		2947	0	00	68
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		2945	0	05	25
		4103	0	04	62
		4104	0	03	79
		2937	0	05	47
		2938	0	02	67
		2987	0	03	30
		2986	0	03	14
		3018	0	06	92
		3019	0	00	10
		3013	0	00	62
		3012	0	03	38
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		3011	0	00	68
		3010	0	03	11
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		3027	0	10	90
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		3049	0	13	44
		3048	0	05	92
		3047	0	06	12
		3045	0	07	43
		2541	0	03	16
		3960	0	09	38
		3114	0	08	17
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		3181	0	03	12
		3182	0	03	17
		3183	0	04	71
		3983	0	01	39
	गवगाँ	614	0	03	00
		531	0	07	50
		532	0	02	48
		533	0	02	16
		560	0	10	20
		602	0	01	96
		603	0	00	78
		561	0	18	35
		545	0	00	34
		546	0	04	75
		547	0	04	13
		548	0	01	79
		576	0	00	64
		575	0	01	40
		565	0	04	62
		562	0	00	20
		564	0	05	03
		726	0	00	87
		727	0	01	25
		729	0	01	52
		131	0	04	01
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		740	0	07	42
		739	0	07	64
		738	0	05	55
		812	0	01	46
		811	0	13	15
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		830	0	00	10
		829	0	13	16
		832	0	05	72
		831	0	00	40
		833	0	04	68
		834	0	01	32
		861	0	06	42
		860	0	05	84

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		1242	0	01	93
		1440	0	03	46
		1241	0	08	54
		1236	0	18	31
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		2215	0	04	80
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		1256	0	01	07
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		1282	0	00	77
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		1961	0	07	04
		1280	0	05	40
		1279	0	09	38
		1277	0	16	00
		1273	0	08	15
		2202	0	11	87
		1993	0	01	27
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		1366	0	05	67
		1368	0	10	53
		1367	0	00	60
		2123	0	01	76
		1362	0	08	75
		1361	0	01	92
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		2031	0	07	41
		1357	0	02	98
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		2165	0	04	41
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		1844	0	05	70
		1841	0	07	35
		1847	0	13	83
		1848	0	05	43
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		1850	0	03	96
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		1889	0	03	00
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		1879	0	02	62
		1881	0	07	04
		1880	0	01	01
	अलालबिन्धा	1793	0	01	96
		1802	0	02	64
		1798	0	25	94
		1836	0	00	21
		1837	0	08	25
		1860	0	06	87
		1861	0	02	45
		1859	0	02	03
		1858	0	02	06
		1857	0	02	37
		1856	0	00	77
		1855	0	10	05
		1854	0	00	59
		1939	0	04	49
		1853	0	07	52
		1940	0	00	84
		1941	0	00	93
		1942	0	00	42
		1937	0	00	10
		1938	0	12	86
		1936	0	01	37
		1932	0	00	86
		1931	0	00	74
		3774	0	07	54
		1910	0	04	87
		1909	0	07	30
		3797	0	03	55
		1908	0	00	10
		1907	0	08	84
		1906	0	03	42
		1905	0	00	10
		1903	0	13	39
		1900	0	01	51
		1902	0	01	72
	रायपुर	727	0	05	72
		725	0	09	39
		720	0	16	06
		721	0	00	17
		719	0	14	60
		734	0	02	40
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		732	0	03	14
		1167	0	01	21
		1114	0	08	22
		1146	0	10	02
		751	0	00	59
		743	0	03	76
		744	0	04	43
		745	0	01	12
		774	0	06	40
		770	0	00	10
		773	0	02	92
		771	0	01	58
		772	0	02	38
		776	0	07	93
		775	0	00	78
		787	0	00	10
		777	0	00	10
		786	0	03	86
		779	0	00	34
		781	0	04	30
		779	0	00	33
		780	0	08	60
		782	0	12	36
		784	0	12	36
	कुकुलेश्वर	635	0	02	79
		643	0	03	17
		644	0	01	32
		645	0	01	61
		647	0	07	43
	पारुलिया	794	0	05	01
		726	0	00	53
		795	0	00	25
		793	0	10	33
		796	0	00	10
		800	0	01	98
		727	0	00	10
		728	0	02	24
		729	0	04	40
		730	0	04	72
		738	0	02	30
		737	0	02	50
		736	0	02	21
		740	0	01	64
		744	0	06	05
		741	0	01	61

1	2	3	4	5	6
		742	0	02	32
		786	0	01	10
		743	0	02	53
		785	0	01	81
		781	0	00	10
		780	0	09	13
		747	0	00	17
		749	0	01	07
		750	0	02	95
		779	0	01	35
		752	0	02	77
		931	0	02	44
		753	0	04	74
		757	0	00	18
		754	0	02	49
		755	0	02	19
		764	0	07	64
		762	0	03	31
		765	0	02	33
		767	0	00	89
		766	0	06	64
		866	0	05	51
		868	0	04	98
		870	0	00	99
		869	0	03	98
	बटर्गा	73	0	04	29
		74	0	00	19
		72	0	01	75
		76	0	01	70
		71	0	01	20
		97	0	10	15
		77	0	01	40
		388	0	01	68
		89	0	01	10
		91	0	03	28
		90	0	00	23
		92	0	05	45
		137	0	01	03
		140	0	04	78
		141	0	00	10
		148	0	01	18
		139	0	05	38
		3384	0	00	55
		209	0	00	38
		208	0	03	10
		207	0	01	89

1	2	3	4	5	6
		2081	0	00	59
		194	0	03	29
		199	0	00	10
		198	0	08	33
		196	0	00	10
		283	0	00	36
		197	0	05	94
		284	0	09	07
		287	0	02	54
		177	0	00	10
		288	0	02	54
		3426	0	01	12
		289	0	04	64
		3391	0	04	49
		291	0	02	79
		3393	0	06	36
		306	0	05	55
		305	0	01	01
		304	0	01	47
		303	0	01	76
		302	0	02	94
		301	0	06	34
		325	0	09	48
		326	0	01	55
		332	0	00	80
		331	0	11	25
		1904	0	01	04
		3467	0	05	99
		1905	0	04	57
		1906	0	00	50
		1901	0	00	28
		3470	0	02	96
		1909	0	03	34
		1910	0	06	37
		1913	0	03	39
		1914	0	03	38
		1919	0	07	11
		1920	0	01	78
		1922	0	09	22
		1927	0	11	55
		1928	0	09	08
		2080	0	01	38
		1929	0	00	10
	कटिसाही	2248	0	00	44
		2249	0	07	67
		2286	0	09	05

1	2	3	4	5	6
		2250	0	00	10
		2287	0	03	50
		2285	0	00	10
		2288	0	00	50
		2303	0	00	10
		2302	0	02	22
		2294	0	05	36
		2301	0	02	88
		2346	0	00	43
		2398	0	03	00
		2299	0	00	69
		2297	0	01	12
		2296	0	00	76
		2295	0	01	07
		2309	0	03	42
		2308	0	00	51
		2300	0	04	60
		2566	0	00	11
		2311	0	01	92
		2415	0	01	39
		2313	0	01	12
		2314	0	00	76
		2315	0	00	86
		2316	0	01	00
		2330	0	00	61
		2329	0	01	90
		2328	0	02	89
		2332	0	00	10
		2333	0	03	32
		2334	0	00	82
		2336	0	00	10
		2335	0	04	14
		2494	0	01	26
	मोहम्दराजपुर	197	0	02	69
		200	0	04	07
		201	0	02	43
		202	0	02	49
		203	0	02	39
		214	0	03	03
		216	0	01	67
		215	0	00	10
		194	0	35	26
		182	0	00	66
		183	0	01	59
		184	0	03	16
		185	0	04	85

1	2	3	4	5	6
		366	0	04	65
		365	0	05	76
		367	0	00	21
		364	0	04	65
		368	0	06	73
		363	0	02	09
		362	0	08	07
		380	0	04	02
		381	0	03	80
		383	0	00	85
		379	0	07	30
		384	0	00	69
		378	0	03	75
		751	0	00	89
		441	0	05	17
		750	0	00	29
		440	0	03	38
		439	0	01	78
		771	0	01	63
		438	0	03	79
		447	0	04	99
		484	0	04	19
		483	0	02	41
		480	0	00	67
		481	0	00	10
		482	0	02	12
		485	0	16	93
		486	0	00	10
		720	0	02	17
		721	0	05	92
		502	0	01	93
		503	0	03	54
		584	0	07	76
		589	0	00	78
		588	0	06	79
		587	0	08	11
		620	0	04	86
		621	0	03	78
		624	0	04	99
		628	0	01	24
		626	0	14	26
		627	0	00	10
		629	0	01	65
		632	0	07	92
		746	0	04	92
		633	0	03	06

1	2	3	4	5	6
		634	0	02	93
		635	0	03	78
		636	0	02	92
		637	0	05	61
		641	0	01	37
		642	0	05	63
		645	0	07	24
		644	0	02	13
		646	0	03	00
		647	0	00	11
	रामचन्द्रपुर	674	0	04	01
		620	0	01	35
	मधुपूर	2224	0	00	10
		2225	0	16	05
		1841	0	03	07
		1802	0	02	30
		1874	0	00	41
		1878	0	07	27
		1873	0	09	77
		1879	0	21	73
		1884	0	01	45
		1885	0	01	58
		1888	0	02	42
		1889	0	05	82
		1722	0	01	54
		1920	0	26	89
		1718	0	01	99
		1720	0	01	87
		1721	0	00	10
		1719	0	05	77
		1717	0	09	46
		1716	0	00	10
		1622	0	02	92
		1623	0	08	63
		1621	0	04	06
		1619	0	00	64
		1620	0	07	14
		1625	0	00	10
		1609	0	00	86
		1610	0	05	72
		1599	0	21	62
		1596	0	02	30
		1595	0	03	79
		1589	0	07	82
		1590	0	04	48
		1591	0	01	86

1	2	3	4	5	6
		1585	0	00	10
		1575	0	04	98
		2182	0	01	94
		1576	0	01	34
		2231	0	01	12
		1579	0	03	07
		1577	0	06	21
		1578	0	04	61
		1570	0	09	22
		1559	0	02	05
		1569	0	00	49
		1560	0	11	60
		1562	0	06	82
		1563	0	00	10
	कुलिवा	1593	0	00	24
		1595	0	01	02
		1627	0	01	57
		1626	0	02	15
		1625	0	01	89
		1596	0	02	24
		1598	0	02	28
		1599	0	03	12
		1600	0	02	18
		1601	0	02	08
		1604	0	02	30
		1605	0	01	28
		1624	0	00	10
		2823	0	06	91
		1609	0	06	92
		1610	0	02	18
		2818	0	00	16
		1611	0	06	44
		1612	0	00	53
		1613	0	06	36
		1615	0	06	07
		1616	0	06	42
		1818	0	00	98
		2416	0	06	49
		2417	0	03	39
		2406	0	01	29
		2415	0	00	47
		2413	0	03	59
		2414	0	00	10
		2817	0	03	23
		2412	0	07	43
		2408	0	00	41

1	2	3	4	5	6
		2411	0	05	52
		2410	0	03	57
		2427	0	00	10
		2428	0	01	49
		2382	0	07	98
		2383	0	02	74
		2381	0	14	10
		2373	0	01	75
		2374	0	03	53
		2372	0	02	58
		2354	0	04	57
		2355	0	07	61
		2356	0	05	04
		2347	0	01	92
		2357	0	00	26
		2346	0	03	66
		2859	0	04	53
		2359	0	06	01
		2661	0	03	61
		2662	0	03	83
		2663	0	04	99
		2659	0	00	61
		2664	0	08	14
		2668	0	00	63
		2665	0	14	19
		2666	0	04	97
		2735	0	00	92
		2777	0	00	61
		2276	0	06	40
		2256	0	12	91
		2274	0	01	73
		2273	0	01	50
		2272	0	01	85
		2266	0	01	96
		2265	0	00	28
		2257	0	10	35
		662	0	09	51
		663	0	13	82
		664	0	13	28
		665	0	00	30
		647	0	00	52
		646	0	01	38
		645	0	06	63
		650	0	04	85
		651	0	01	43
		643	0	05	47

1	2	3	4	5	6
		642	0	08	54
		641	0	09	08
		635	0	03	33
	बलरामपुर	447	0	04	00
		446	0	02	76
		451	0	15	20
		452	0	00	10
		455	0	00	10
		456	0	00	10
		464	0	00	29
		463	0	05	93
		459	0	02	09
		647	0	00	20
		461	0	08	63
		542	0	08	08
		539	0	00	84
		486	0	11	66
		489	0	06	83
		494	0	02	02
		495	0	01	91
		493	0	00	10
		497	0	00	85
		496	0	04	45
		500	0	04	03
		501	0	02	86
		502	0	03	78
		503	0	04	99
		506	0	00	10
		504	0	06	84
		505	0	05	41
		417	0	00	72
		420	0	00	83
		419	0	01	16
		418	0	02	08
		416	0	02	09
		415	0	01	97
		649	0	00	10
		414	0	02	39
		648	0	03	16
		413	0	00	10
		412	0	05	33
		410	0	06	79
		411	0	01	31
		386	0	03	14
		387	0	02	85
	बाघधडास	162	0	00	35

1	2	3	4	5	6
		161	0	02	15
		160	0	03	45
		159	0	03	70
		158	0	03	00
		157	0	02	14
		156	0	00	47
		155	0	04	03
		154	0	02	08
		153	0	00	48
		152	0	04	72
		150	0	01	69
		151	0	02	22
		286	0	00	85
		144	0	19	50
		140	0	01	50
		139	0	03	52
		133	0	09	39
		134	0	00	14
		120	0	00	11
		109	0	13	39
		110	0	00	40
		71	0	06	82
		72	0	04	98
		70	0	01	53
		68	0	09	92
		289	0	00	24
		67	0	05	82
		47	0	00	90
		48	0	02	60
		49	0	03	81

[फा. सं. आर-25011/19/2004-ओ.आर-I]

रेणुका कुमार, अवर सचिव

New Delhi, the 14th July, 2004

S. O. 1689.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of crude oil from Paradip in the State of Orissa to Haldia in the State of West Bengal, a pipeline should be laid by Indian Oil Corporation Limited.

And whereas it appears to the Central Government that for the purpose of laying said pipeline, it is necessary to acquire the Right of User in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act- 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Any person, interested in the land described in the said Schedule may, within twenty one days from the date on which the copies of the notification issued under sub-section (1) of section 3 of the said Act, as published in the Gazette of India, are made available to the general public, object in writing to the laying of the pipeline under the land to Shri. Ashok Kumar Dash, Competent Authority, Paradip – Haldia Pipeline Project, Indian Oil Corporation Limited, Indian Oil Corporation Limited Marketing Housing Complex, Meghadambaru, Post office- Kuruda, Balasore – 756 056 (Orissa).

Schedule

Dist : Balasore **State: Orissa**

Name of Tehsil	Name of Village	Khasra No.	Area		
			Hectare	Are	Sq.Mtr.
1	2	3	4	5	6
Basta	Alaol	20	0	00	10
		24	0	12	79
		17	0	15	06
		23	0	01	91
	Raisuan	929	0	15	13
		930	0	01	67
		923	0	04	10
		919	0	17	26
		1568	0	03	90
		941	0	00	60
		914	0	01	85
		1500	0	22	06
		951	0	00	25
		1516	0	00	59
		1519	0	01	97
		952	0	00	10
		1518	0	03	29
		955	0	03	23
		1517	0	08	92
		1570	0	10	55
		956	0	01	16
		957	0	06	66
		961	0	00	23
		903	0	03	71
		1494	0	02	00
		1495	0	00	63
		962	0	03	25
		902	0	07	90
		893	0	03	85
		894	0	02	80
		895	0	00	45
		892	0	04	13
		891	0	00	10
		873	0	16	10
		1470	0	00	42
		876	0	02	03
		1480	0	01	05
		1481	0	00	60
		1407	0	01	07
		1409	0	00	10

1	2	3	4	5	6
		1478	0	01	60
		1479	0	00	10
	Kantabania	28	0	08	20
		29	0	00	30
		27	0	05	33
		26	0	05	27
		25	0	04	91
		22	0	05	12
		17	0	00	43
		16	0	00	41
		2	0	00	60
		152	0	03	20
		3	0	28	29
		5	0	00	30
		4	0	09	89
	Khandadhar	1131	0	07	99
		1121	0	05	39
		1120	0	15	11
		1119	0	03	02
		1118	0	00	53
		1117	0	01	76
		1143	0	11	09
		1115	0	00	10
		1068	0	00	92
		1021	0	12	99
		1022	0	03	39
		1023	0	02	74
		1035	0	00	66
		1038	0	04	23
		1037	0	04	49
		1036	0	03	36
	Nayapara	1122	0	24	35
		1128	0	02	43
		1136	0	00	34
		1135	0	03	95
		1129	0	00	10
		1130	0	09	17
		1131	0	00	10
		1068	0	01	61
		1067	0	01	42
		1066	0	01	79
		840	0	05	32
		839	0	01	52
		841	0	03	32
		842	0	00	10
		838	0	08	82

1	2	3	4	5	6
		835	0	08	20
		836	0	14	87
		876	0	00	68
		878	0	05	83
		877	0	00	90
		879	0	04	98
		881	0	14	51
		885	0	14	83
	Gobinda	971	0	14	50
		970	0	02	33
		972	0	00	10
		980	0	14	09
		981	0	08	87
		982	0	00	80
		983	0	14	56
		987	0	02	16
		988	0	09	98
		1015	0	00	54
		1069	0	03	17
		1070	0	10	86
		1071	0	07	57
		1462	0	05	03
		1461	0	05	64
		1458	0	11	97
		1459	0	02	24
		1457	0	00	61
		1456	0	10	16
		1454	0	07	37
		1453	0	05	63
		1452	0	02	52
		1355	0	00	56
		1244	0	09	07
		1246	0	05	60
		1245	0	11	38
		1247	0	00	22
		1248	0	01	64
		1249	0	23	26
	Agamouda	681	0	08	01
		682	0	18	41
		686	0	08	72
		687	0	08	53
		653	0	00	78
		614	0	10	41
		613	0	03	71
		601	0	14	44
		602	0	03	03

1	2	3	4	5	6
		709	0	02	61
		607	0	06	14
		608	0	00	25
		606	0	11	81
		569	0	00	56
		502	0	17	67
		558	0	00	36
		557	0	11	69
		503	0	01	21
		556	0	17	96
		554	0	00	43
		504	0	00	10
		555	0	03	40
		543	0	08	00
		538	0	07	95
		530	0	01	69
		531	0	00	51
	Kadamouda	473	0	00	33
		474	0	08	79
		470	0	00	69
		468	0	09	32
		467	0	04	89
		427	0	06	61
		469	0	01	02
		466	0	01	20
		465	0	01	32
		431	0	00	37
		436	0	07	59
		432	0	11	05
		433	0	00	18
		455	0	07	95
		434	0	00	45
		438	0	00	21
		437	0	05	82
		436	0	01	95
		440	0	06	48
		435	0	02	83
		443	0	03	62
		441	0	00	10
		442	0	00	23
		447	0	04	94
	Berhampur	1117	0	00	10
		1116	0	10	38
		1115	0	10	85
		1114	0	00	10
		1113	0	00	26

1	2	3	4	5	6
		1111	0	03	40
		1110	0	00	17
		1112	0	09	23
		1109	0	05	73
		1104	0	00	37
		1105	0	06	16
		1106	0	00	71
		1039	0	01	06
		1005	0	06	15
		1004	0	02	42
		1003	0	13	95
		1002	0	00	51
	Kada	7	0	07	48
		6	0	10	60
		5	0	01	92
		1	0	04	29
		4	0	01	80
		3	0	00	82
		2	0	09	82
	Mirigimundi	1129	0	08	45
		1138	0	17	49
		1133	0	15	31
		1134	0	07	31
		1043	0	13	60
		1040	0	12	51
		1038	0	07	55
		1039	0	02	11
		1037	0	04	86
		1036	0	02	14
		1035	0	12	81
		1021	0	00	91
		1014	0	03	24
		1015	0	03	83
		1017	0	15	57
		940	0	03	34
	Huja	1	0	02	76
		16	0	02	34
		14	0	07	37
		13	0	10	95
		12	0	03	92
		11	0	06	59
		32	0	02	18
		31	0	06	15
		42	0	08	91
		40	0	00	36
		37	0	00	13

1	2	3	4	5	6
		38	0	12	44
		39	0	05	86
	Saktiram	107	0	07	51
		106	0	01	24
		108	0	06	51
		109	0	14	56
		120	0	01	13
		131	0	06	73
		130	0	00	21
		121	0	18	31
		129	0	01	10
		180	0	00	98
		284	0	16	42
		285	0	09	03
		289	0	07	76
		288	0	06	21
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		229	0	12	58
		230	0	03	34
		232	0	07	86
	Anko	2240	0	03	31
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		2242	0	01	11
		2243	0	00	66
		2247	0	01	16
		2248	0	28	10
		2249	0	05	20
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		1998	0	00	44
		1999	0	05	11
		2001	0	04	57
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		1991	0	00	81
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		1958	0	13	49
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		1950	0	03	12
		1949	0	08	69
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	Tolakdiha	2	0	03	75
		1	0	03	60
		5	0	04	56
		6	0	03	71

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		324	0	08	09
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		254	0	00	47
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	Mainsiali	116	0	12	38
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		110	0	05	52
		108	0	00	82
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		48	0	02	27
		47	0	04	09
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		50	0	15	46
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		55	0	01	37
		21	0	00	12
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		2	0	02	10
		1	0	02	41
	Dhapakand	98	0	02	77
		97	0	02	72

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	Barakhudi	1016	0	00	97
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		1018	0	02	11
		1019	0	04	00
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		1020	0	11	80
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		1119	0	13	66
		1127	0	00	10
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		1123	0	00	66
	Tigiria	162	0	00	61
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		157	0	01	78
		146	0	07	60
		147	0	01	95
		148	0	03	87
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		90	0	04	82
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	Porapara	147	0	11	01
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		158	0	07	93
		159	0	00	38
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		232	0	02	05
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	Kadalihanda	338	0	04	72
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		418	0	07	92
		420	0	00	62
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	Palasia	139	0	06	49
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		137	0	05	48
		126	0	12	26
		132	0	08	82
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	Dandi	77	0	00	18
		71	0	03	87
		76	0	09	08
		75	0	01	02
		78	0	02	31
		79	0	01	49
		80	0	02	35
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		93	0	06	47
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		86	0	05	53
		161	0	01	89
	Dunda	154	0	04	52
		440	0	04	02
		441	0	02	39
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		443	0	03	96
		446	0	03	40
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		304	0	01	47
		303	0	01	76
		302	0	02	94
		301	0	06	34
		325	0	09	48
		326	0	01	55
		332	0	00	80
		331	0	11	25
		1904	0	01	04
		3487	0	05	99
		1905	0	04	57
		1906	0	00	50
		1901	0	00	28
		3470	0	02	96
		1909	0	03	34
		1910	0	06	37
		1913	0	03	39
		1914	0	03	38
		1919	0	07	11
		1920	0	01	78
		1922	0	09	22
		1927	0	11	55
		1928	0	09	08
		2080	0	01	38
		1929	0	00	10
	Katisahi	2248	0	00	44
		2249	0	07	67
		2286	0	09	05

1	2	3	4	5	6
		2250	0	00	10
		2287	0	03	50
		2285	0	00	10
		2288	0	00	50
		2303	0	00	10
		2302	0	02	22
		2294	0	05	36
		2301	0	02	88
		2346	0	00	43
		2398	0	03	00
		2299	0	00	69
		2297	0	01	12
		2296	0	00	76
		2295	0	01	07
		2309	0	03	42
		2308	0	00	51
		2300	0	04	60
		2566	0	00	11
		2311	0	01	92
		2415	0	01	39
		2313	0	01	12
		2314	0	00	76
		2315	0	00	86
		2316	0	01	00
		2330	0	00	61
		2329	0	01	90
		2328	0	02	89
		2332	0	00	10
		2333	0	03	32
		2334	0	00	82
		2336	0	00	10
		2335	0	04	14
		2494	0	01	26
	Mohamadrajpur	197	0	02	69
		200	0	04	07
		201	0	02	43
		202	0	02	49
		203	0	02	39
		214	0	03	03
		216	0	01	67
		215	0	00	10
		194	0	35	26
		182	0	00	66
		183	0	01	59
		184	0	03	16
		185	0	04	85

1	2	3	4	5	6
		366	0	04	65
		365	0	05	76
		367	0	00	21
		364	0	04	65
		368	0	06	73
		363	0	02	09
		362	0	08	07
		380	0	04	02
		381	0	03	80
		383	0	00	85
		379	0	07	30
		384	0	00	69
		378	0	03	75
		751	0	00	89
		441	0	05	17
		750	0	00	29
		440	0	03	38
		439	0	01	78
		771	0	01	83
		438	0	03	79
		447	0	04	99
		484	0	04	19
		483	0	02	41
		480	0	00	67
		481	0	00	10
		482	0	02	12
		485	0	16	93
		486	0	00	10
		720	0	02	17
		721	0	05	92
		502	0	01	93
		503	0	03	54
		584	0	07	76
		589	0	00	78
		588	0	06	79
		587	0	08	11
		620	0	04	86
		621	0	03	78
		624	0	04	99
		628	0	01	24
		626	0	14	26
		627	0	00	10
		629	0	01	65
		632	0	07	92
		746	0	04	92
		633	0	03	06

1	2	3	4	5	6
		634	0	02	93
		635	0	03	78
		636	0	02	92
		637	0	05	61
		641	0	01	37
		642	0	05	63
		645	0	07	24
		644	0	02	13
		646	0	03	00
		647	0	00	11
	Ram chandrapur	674	0	04	01
		620	0	01	35
	Madhupur	2224	0	00	10
		2225	0	16	05
		1841	0	03	07
		1802	0	02	30
		1874	0	00	41
		1878	0	07	27
		1873	0	09	77
		1879	0	21	73
		1884	0	01	45
		1885	0	01	58
		1888	0	02	42
		1889	0	05	82
		1722	0	01	54
		1920	0	26	89
		1718	0	01	99
		1720	0	01	87
		1721	0	00	10
		1719	0	05	77
		1717	0	09	46
		1716	0	00	10
		1622	0	02	92
		1623	0	08	63
		1621	0	04	06
		1619	0	00	64
		1620	0	07	14
		1626	0	00	10
		1609	0	00	86
		1610	0	05	72
		1599	0	21	62
		1596	0	02	30
		1595	0	03	79
		1589	0	07	82
		1590	0	04	48
		1591	0	01	86

1	2	3	4	5	6
		1585	0	00	10
		1575	0	04	98
		2182	0	01	94
		1576	0	01	34
		2231	0	01	12
		1579	0	03	07
		1577	0	06	21
		1578	0	04	61
		1570	0	09	22
		1559	0	02	05
		1569	0	00	49
		1560	0	11	60
		1562	0	06	82
		1563	0	00	10
	Kulida	1593	0	00	24
		1595	0	01	02
		1627	0	01	57
		1626	0	02	15
		1625	0	01	89
		1596	0	02	24
		1598	0	02	28
		1599	0	03	12
		1600	0	02	18
		1601	0	02	08
		1604	0	02	30
		1605	0	01	28
		1624	0	00	10
		2823	0	06	91
		1609	0	06	92
		1610	0	02	18
		2818	0	00	16
		1611	0	06	44
		1612	0	00	53
		1613	0	06	36
		1615	0	06	07
		1616	0	06	42
		1818	0	00	98
		2416	0	06	49
		2417	0	03	39
		2406	0	01	29
		2415	0	00	47
		2413	0	03	59
		2414	0	00	10
		2817	0	03	23
		2412	0	07	43
		2408	0	00	41

1	2	3	4	5	6
		2411	0	05	52
		2410	0	03	57
		2427	0	00	10
		2428	0	01	49
		2382	0	07	98
		2383	0	02	74
		2381	0	14	10
		2373	0	01	75
		2374	0	03	53
		2372	0	02	58
		2354	0	04	57
		2355	0	07	61
		2356	0	05	04
		2347	0	01	92
		2357	0	00	26
		2346	0	03	66
		2659	0	04	53
		2359	0	06	01
		2661	0	03	61
		2662	0	03	83
		2663	0	04	99
		2659	0	00	61
		2664	0	08	14
		2668	0	00	63
		2665	0	14	19
		2666	0	04	97
		2735	0	00	92
		2777	0	00	61
		2276	0	06	40
		2256	0	12	91
		2274	0	01	73
		2273	0	01	50
		2272	0	01	85
		2266	0	01	96
		2265	0	00	28
		2257	0	10	35
		662	0	09	51
		663	0	13	82
		664	0	13	28
		665	0	00	30
		647	0	00	52
		646	0	01	38
		645	0	06	63
		650	0	04	85
		651	0	01	43
		643	0	05	47

1	2	3	4	5	6
		642	0	08	54
		641	0	09	08
		635	0	03	33
	Balrampur	447	0	04	00
		446	0	02	76
		451	0	15	20
		452	0	00	10
		455	0	00	10
		456	0	00	10
		464	0	00	29
		463	0	05	93
		459	0	02	09
		647	0	00	20
		461	0	08	63
		542	0	08	08
		539	0	00	84
		486	0	11	66
		489	0	06	83
		494	0	02	02
		495	0	01	91
		493	0	00	10
		497	0	00	85
		496	0	04	45
		500	0	04	03
		501	0	02	86
		502	0	03	78
		503	0	04	99
		506	0	00	10
		504	0	06	84
		505	0	05	41
		417	0	00	72
		420	0	00	83
		419	0	01	16
		418	0	02	08
		416	0	02	09
		415	0	01	97
		649	0	00	10
		414	0	02	39
		648	0	03	16
		413	0	00	10
		412	0	05	33
		410	0	06	79
		411	0	01	31
		386	0	03	14
		387	0	02	85
	Baghadhadas	162	0	00	35

1	2	3	4	5	6
		161	0	02	15
		160	0	03	45
		159	0	03	70
		158	0	03	00
		157	0	02	14
		156	0	00	47
		155	0	04	03
		154	0	02	08
		153	0	00	48
		152	0	04	72
		150	0	01	69
		151	0	02	22
		286	0	00	85
		144	0	19	50
		140	0	01	50
		139	0	03	52
		133	0	09	39
		134	0	00	14
		120	0	00	11
		109	0	13	39
		110	0	00	40
		71	0	06	82
		72	0	04	98
		70	0	01	53
		68	0	09	92
		289	0	00	24
		67	0	05	82
		47	0	00	90
		48	0	02	60
		49	0	03	91

[No. R-25011/19/2004-O.R.-I]
RENUKA KUMAR, Under Secy.

नई दिल्ली, 15 जुलाई, 2004

का. आ. 1690.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 824 तारीख 26 मार्च, 2004, जो भारत के राजपत्र तारीख 3 अप्रैल, 2004 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में गुरू गोबिन्द सिंह रिफाइनरीज लिमिटेड (हिन्दुस्तान पेट्रोलियम कारपोरेशन लिमिटेड की समनुषंगी) द्वारा मुन्द्रा-भटिंडा अपरिष्कृत तेल पाइपलाइन के माध्यम से गुजरात राज्य में मुन्द्रा पत्तन स्थित अपरिष्कृत तेल संस्थापन से पंजाब राज्य में भटिंडा तक पेट्रोलियम उत्पादों के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियाँ जनता को तारीख 13 मई, 2004 को उपलब्ध करा दी गई थीं ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन, केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अत: अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग का अधिकार अर्जित किया जाता है;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार, इस घोषणा के प्रकाशन की तारीख को केन्द्रीय सरकार में निहित होने की बजाए, सभी विल्लंगमों से मुक्त, गुरू गोबिन्द सिंह रिफाइनरीज लिमिटेड, (हिन्दुस्तान पेट्रोलियम कॉरपोरेशन लिमिटेड की समनुषंगी) में निहित होगा।

अनुसूची

तहसील रानियां जिला सिरसा राज्य हरियाणा

गांव का नाम	हदबस्त नम्बर	खसरा नम्बर	हिस्सा (यदि कोई है)	क्षेत्रफल कनाल — मरला
1	2	3	4	5
रानियां	137	208/5	4	0 - 4

[फा. सं. आर-31015/5/2002-ओ.आर-II]

हरीश कुमार, अवर सचिव

New Delhi, the 15th July, 2004

S. O. 1690.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O.824, dated the 26th March 2004, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), published in the Gazette of India dated the 3rd April,2004, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying pipeline for the transportation of crude oil from crude oil terminal at Mundra Port in the State of Gujarat to Bathinda in the State of Punjab through Mundra-Bathinda Crude Oil Pipeline by Guru Gobind Singh Refineries Limited (a subsidiary of Hindustan Petroleum Corporation Limited);

And whereas copies of the said Gazette notification were made available to the public on the 13th May, 2004;

And whereas, the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas, the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline ;

And further, in exercise of the powers conferred by sub-section (4)of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest, on the date of publication of the declaration, in Guru Gobind Singh Refineries Limited, (a subsidiary of Hindustan Petroleum Corporation Limited), free from all encumbrances.

SCHEDULE

Tehsil : Rania District : Sirsa State : Haryana

Name of Village	Hadbast No.	Khasra No.	Part Hissa No. (if any)	Extent Kanal - Marla
1	2	3	4	5
RANIA	137	205/5	4	0 - 4

[No. R-31015/5/2002-O.R.-II]
HARISH KUMAR, Under Secy.

श्रम मंत्रालय

नई दिल्ली, 21 जून, 2004

का. आ. 1691.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, वूल रिसर्च एसोसिएसन प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, मुम्बई सं. 1 (संदर्भ संख्या सी.जी.आई.टी - 24/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-6-2004 को प्राप्त हुआ था।

[सं. एल-42012/75/2001-आई. आर. (सी. II)]

एन. पी. केशवन, डैस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 21st June, 2004

S.O. 1691.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award Ref. CGIT 24/2002 of the Central Government Industrial Tribunal-cum-Labour Court, Mumbai No. 1 as shown in the Annexure in the Industrial Dispute between the management of M/s. Wool Research Association, and their workmen, received by the Central Government on 21-6-2004.

[No. L-42012/75/2001-IR (C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 MUMBAI

PRESENT:

Shri Justice S. C. Pandey : Presiding Officer

REFERENCE NO. CGIT. 24/2002

PARTIES: Employers in relation to the management of Wool Research Association

And

Their Workmen

APPEARANCES:

For the Management	:	Mr. Kurian, Advocate.
For the Workman	:	Mr. V. G. Pannanbhan, Adv.
State	:	Maharashtra

Mumbai, dated the 28th May, 2004

AWARD

1. This reference is made by the Central Government under clause (d) of sub-section 1 and sub-section 2A of Section 10 of the Industrial Disputes Act 1947 (the Act for short) for resolving the dispute between the Wool Research Association (the employer) and Shri K. S. Sahani (the workman for short). The terms of the disputes are as follows:

> "Whether the action of the management of Wool Research Association in terminating the services of Shri Kalpnath Shyamsunder Sahani w.e.f. 1-7-2000 is legal and justified? If not, to what relief he is entitled?"

2. The undisputed facts of this case are that the workman was initially employed as a Security Guard as per order/letter dated 3/12/92 for a period of three years (Annexure A to the Statement of claim). He was continued as a confirmed Security Guard as per order [letter dated 31-5-95 with effect from 1st April 1995 (Annexure) B the Statement of claim. He went on leave and it was sanctioned between 17-4-2000 to 13-5-2000. He was issued memo dated 29-6-2000. It is not in dispute a memo dated 29-6-2000 (Exhibit W1) was issued to workman by Shri D.V. Kulkarni. in that letter the workman was asked to explain conduct regarding his over staying the sanctioned leave. It was stated that the workman was warned that he shall not be given any extension and was given letter dated 25-5-2000 to report to duty. It was stated in the same letter that the workman had posted a pre dated letter mentioning date as 18-5-2000 but actually posted on 31-5-2000. The workman, it was alleged had asked for extension of leave till 17-6-2000. The letter rejected the extension of leave and stated that the workman ha[1] lost his lien over the post and that he was liable to lose his appointment. He was given one more chance to explain as to why lien to his post should not be treated as lost. The workman gave reply and his medical certificate on Exhibit W2. The workman had given the reply dated 29-6-2000 (annexed as Exhibit E to the Statement of claim). Thereafter, the impugned order dated 1-7-2000 was passed. It is said that workman name was removed from muster roll. He had lost his lien. He would be kept in waiting list. A reference was made to 13(4) of the Standing Orders.

In his statement of claim, the workman inter alia stated that he was permanent employee of the employer. He was a workman under the Act. He used to sign the muster roll. His name was illegally removed from the muster roll as per order dated 1-7-2000. He was not taken back despite notice. Initially, the matter was raised before the authorized Conciliation Officer, Shri A. S. Kamat, Thane Maharashtra. Thereupon the Employer raised the objection that Central Govt. was the appropriate Govt. Thereupon on the advise of the Labour Officer, the matter was raised before Deputy Commissioner Labour (Central). The Asstt. Commissioner Labour reported failure of Conciliation. The dispute between him and the employer was not referred to this tribunal by Central Govt. as per order dated 9-7-2002. It was held by the Central Govt. that workman was unable to sustain it. Thereafter the High Court in W.P. No. 5055/2002 set aside the order dated 9-7-2002 and directed the Central Govt. to refer the dispute to this tribunal. Accordingly, the matter was referred to this tribunal. The workman had alleged that the employer was a Society registered under the Societies Registration Act. It was averred that its registration No.Bom/119, 1963 G.BBSO. It was carrying out the work of research and development had its office and laboratory at Akbar lamp road Post, Zunder Baug, Kolshet Road, Thane (Mumbai). It was stated that workman was retrenched from service contrary to Section 25F of the Act.

In the written statement it was pleaded that the reference was not maintainable for the reasons given in paragraph 1, 2 and also in 3 of the written statement. It was further pleaded in paragraph 3 that the plea of the workman is false to the effect that his services were terminated. Actually, he had lost his lien as per Standing Order No. 13(4) of the Model Standing Orders. Therefore, the reference was not maintainable. In paragraph 4 the employer took the plea regarding the decision on question of maintainability as a preliminary point. On merits, after stating the undisputed facts the defence of the employer was to the effect that his services were not terminated. Actually, the workman had lost his lien in terms of Model Standing Order 13(4) for which he was solely responsible. It was denied that Section 25 F of the Act was attracted. There was no justification for demand and claim was not liable to be rejected. There was no specific demand that the employer did not raise a dispute as alleged by the workman before Shri A. S. Kamat, Labour Officer at Thane.

5. The workman filed his affidavit. He was cross examined by Ms. Bhavana Mhatre, Advocate. Thereafter his case was closed. The employer did not lead any evidence in support of its case. This case is now to be decided in merits.

6. It may be noted that employer has not stated if Model Standing Order 13(4) are the Standing Orders framed by State Govt. of Maharashtra (At the relevant time State of Bombay). The Standing Order 13(4) find place in the Schedule A to Bombay Industrial Employment Standing orders) Rules 1959 relating to workman doing Manual or Technical work. However, this tribunal finds that it is not open to the employer to argue that it is not an industry belonging to the Central Govt. The employer himself had taken an objection before Labour Officer of Maharashtra State that it was owned by the Central Govt. Therefore, the matter had to be taken before the Central Labour Officer like the Deputy Labour Commissioner (Central). Even the Central Govt. had not referred the matter on the ground that Central Govt. did not have power to refer the matter. The High Court of Bombay has by order dated 11-10-2002 in W.P.5055/2002 between the parties directed Central Govt. is Govt. In view of this matter, the factual position that employer is either run by or carried on by the Central Govt. is no longer open to question before this tribunal. This tribunal being a subordinate tribunal is bound by the Order of the Bombay High Court. So also the Central Govt. In the opinion of the tribunal the question that the employer is owned and controlled by the Central Govt. follows from the order of the High Court because it set aside the order of the Central Govt. refusing to refer the dispute. Thus, the conclusion in the aforesaid writ petition governs the question of fact that the Central Govt. owns and controls the employer for the purpose of Section 2(b) of the Industrial Employment (Standing Orders) Act 1946. Thus, in that case the appropriate Government would be the Central Govt. If that be so the Model Standing Orders framed under the rules by the State of Maharashtra shall not apply. The workman shall not be governed by Standing Order 13(4) of the Model Standing Orders as it was controlled by the Central Govt.

7. It appears to this tribunal that employers was governed by the Model Standing Orders framed by the Central Govt. under the Industrial Employment (Standing Orders) Central Rules, 1946. It may be noticed that Standing Order 13 framed under the Bombay Rules are not identical with Standing Order 9(3) of the Model Standing Order framed under schedule 1 of the Model Standing Orders in respect of Industrial Establishment not being Industrial Establishment in Coal Mines. Thus the argument based on the fact of quoting a wrong rule does not hold good. The employer could not have applied Standing Order 13(4) as it seem have done. Therefore, the order dated 1-7-2000 amounted to retrenchment in violation of Section 25F of the Act. Moreover, this tribunal is of the view that the impugned order dated 1-7-2000 is punitive in nature. The workman was asked to give his explanation. He had furnished Medical Certificate. It was rejected without an enquiry on disputed question of fact. The order also costs stigma on the workman. It says that he has given false excuses. The order was made malafide under Model Standing Order 13(4) with a view to avoid enquiry. The authority concerned was already convinced that workman was guilty. The principles of natural justice were violated. The evidence of workman establishes the aforesaid facts. The conclusion of this tribunal is supported by the decision of Supreme Court in case of D. K. Yadav vs. JMA Industries AIR 1998 S.C. 1681 wherein their Lordship read that the principles of natural justice or in build in provisions like Model Standing Order 13(4). This decision has been followed by the Supreme Court in two of its recent decisions i.e. Lakshmi Precision Screens Ltd. vs. Rabhagat 2002(3) Labour Law Journal 516 and Andhra Bank Vs. B. Satyanarayana 2004 II LLJ 5. The order dated 1-7-2000 is void abnitio. The order dated 1-7-2000 is set aside also for the reason that there is no request for proving the charges.

Accordingly, this reference is answered by stating that the order dated 1-7-2000 passed by employer against the workman is illegal and justified. The workman is entitled to reinstatement with full back wages. No costs.

S. C. PANDEY, Presiding Officer

नई दिल्ली, 21 जून, 2004

का. आ. 1692.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एफ. सी. आई. प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चैन्नई (संदर्भ संख्या 449/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-6-2004 को प्राप्त हुआ था।

[सं. एल-22012/268/1995-आई. आर. (सी-II)]

एन. पी. केशवन, डैस्क अधिकारी

New Delhi, the 21st June, 2004

S.O. 1692.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 449/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Chennai as shown in the Annexure in the industrial dispute between the management of FCI and their workmen, which was received by the Central Government on 21-6-2004.

[No. L-22012/268/1995-IR (C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Wednesday, the 28th April, 2004

PRESENT:

K. Jayaraman, Presiding Officer

INDUSTRIAL DISPUTE NO. 449/2001
(Tamil Nadu State Industrial Tribunal I.D. No. 91/97)

(In the matter of the dispute for adjudication under clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Food Corporation of India and their workmen)

BETWEEN

Shri S. Kumar : I Party/Workman

AND

The Senior Regional Manager, Food Corporation of India, Regional Office, Chennai : II Party/Management

APPEARANCES:

For the Workman : Sri S. Ayyathurai, Advocate

For the Management : M/s. K. Sreekumaran Nair & S. V. Sudheer, Advocates

AWARD

The Central Government, Ministry of Labour vide Notification No. L-22012/268/95/IR(C-II) dated 11-4-1996 has earlier referred this industrial dispute to CGIT cum-Labour Court at Bangalore for adjudication, wherein it was taken on file as C.R. No. 130/97 and subsequently it was transferred to Tamil Nadu State Industrial Tribunal, Chennai for adjudication, and the said Tribunal has taken the dispute on its file as I.D.No.91/97and issued notices to both parties and both parties have entered appearance through their advocates and filed their Claim Statement and Counter Statement respectively and after the constitution of this Central Govt. Industrial Tribunal-cum-Labour Court, the said industrial dispute was transferred to this Tribunal and after the receipt of records of this dispute, it was re-numbered as I.D.No. 449/2001.

2. The schedule mentioned dispute in the order of reference is hereunder :—

"Whether the action of the management of Food Corporation of India Regional Office, Madras in terminating the services of Shri S. Kumar from March, 1994 onwards while he was in continuous service from 1982 is just, proper and legal? If not, to what relief is the workman entitled?"

3. The allegations of the Petitioner in the Claim Statement are briefly as follows :—

The Petitioner joined the services of the Respondent Corporation in 1982 in their Depot complex at Arakkonam as a labourer on daily wage basis. He was doing various maintenance works which are of permanent nature like watering and maintenance of trees, garden, repairing pipelines, electrical fittings, pump operating, repairing rolling shelters in the Food Corporation of India depot complex at Arakkonam. In 1983 he was included in the category of NMR employees and his wage was increased from Rs. 4.60 to Rs. 10/- per day. Since his duties were satisfactory to his superiors, his superiors recommended for his regularisation. But to his misfortune, his services were not regularised. While so, his services were abruptly terminated by the Junior Engineer of Food Corporation of India, Arakkonam on 5-3-1994 without assigning any reasons. The non-employment brought out by the Respondent/Management is illegal and unjust. The petitioner was working continuously since 1982 and his work was of permanent nature and therefore, the termination of his services is arbitrary. The oral termination of the services of the Petitioner by the Respondent amounts to retrenchment and since the Respondent have not complied with the mandatory provisions of Section 25F of Industrial Disputes Act, the retrenchment is illegal and unjust in law. Many persons who were juniors to Petitioners are still working under the Respondent and therefore, the action of the Respondent is discriminatory, which is illegal and unjust. The Respondent/Management engages more than 100 workers in Arakkonam depot, therefore, the retrenchment of the Petitioner without complying the provisions of Section 25N of the Industrial Disputes Act, 1947 is illegal. After the termination of the services of the Petitioner, the management has employed persons in his place which is also not valid in law. Hence, he raised the dispute before the Assistant Labour Commissioner (Central) and on the failure of conciliation proceedings, the matter was referred to this Tribunal. Hence, he prays that an award may be passed directing the Respondent to reinstate the Petitioner in service with continuity of service, back wages and other attendant benefits.

4. As against this, the Respondent in its Counter Statement has contended that the Petitioner was never appointed by any officer of Food Corporation of India and he has not even registered his name in Employment Exchange. Though the Junior Engineer availed his services as Casual Labour, when ever the need arose and the

Petitioner never worked continuously for more than 106 days in any calendar year. The Petitioner was engaged for watering the garden, for removal of stagnated water and for cleaning the environment of Respondent's office and no permanent employee is necessary for doing the above works. Therefore, it is false to allege that the work done by the Petitioner is continuous. In the year 1991 he worked only for 7 days, in the year 1992, his services were never availed of, in the year 1993 he worked for 19 days and in the year 1994 he worked for 31 days. After 19-3-1994, he never worked for Food Corporation of India or under the direction of Junior Engineer, Food Corporation of India, Thus, he was not working continuously for 106 days. Therefore, it is not open to the Petitioner to claim that he should be regularised in any post in Food Corporation of India, Further, there is no question of termination of petitioner because, he was not at all appointed and Food Corporation of India is not legally bound to give any employment to the Petitioner. Since the Petitioner is Casual Labour, there is no question of seniority in the case of Casual Labourers. Further, it is false to allege that the Respondent Corporation has employed a person in his place after his disengagement. Therefore, the Petitioner has no legal right to claim any permanent post in Food Corporation of India, Hence, the Respondent prays to dismiss the claim of the Petitioner with costs.

5. In these circusmstances, the points for my determination are—

(i) "Whether the action of the Respondent/ Management in terminating the services of the Petitioner from March, 1994 is just, proper and legal ?"

(ii) "To what relief the Petitioner is entitled ?"

Point No. 1 :—

6. In this case, the Petitioner alleged that he joined the services of the Respondent Corporation in the year 1982 in the Depot complex at Arakkonam as labourer on daily wage basis and he was continuouly working all along, till he was orally terminated from the service. In this case, the Petitioner has examined himsel as WW i and also examined one witness Mr. Jayakanthan as WW 2. He has produced nine documents which are marked as Ex. W1 to W9. As against this, on the side of the Respondent one Mr. Eraniyan, Assistant Manager was examined as MW 1 and six documents are marked as Ex. M1 to M6. Ex. M4 to M6 are the original documents v and Ex. M1 to M 3 are the copies of the said documents. In his evidence, the Petitioner as WW 1 says that he was appointed in the year 1982 as a Casual Labour on daily wage basis and he was continuouly working till he was disengaged by the Respondent/Management, but he has not produced any documents to show that from the year 1982 to 1994 he worked continuously and he has received wages from the Respondent/Management. Though he has examined one Mr. K. Jayakanthan WW 2 as a second witness on his side and though he has stated that he is working as a Senior Picker in Food Corporation of India. except the interested testimony of WW1 and WW2, there is no other material document produced to prove that the Petitioner was working from the year 1982 continuously under the Respondent/Management. On behalf of the Petitioner, it was argued that the Petitioner was doing various maintenance work which are permanent work in nature like watering and maintenance of trees, garden, repairing pipelines, electrical fittings, pump operating repairing rolling shutters in the Food Corporation of India depot complex at Arakkonam, It is not established before this Tribunal that the work alleged to have been done by the Petitioner are permanent in nature and the petitioner was continuously engaged by the respondent for the said maintenance work. Though the Petitioner has produced nine documents, mone of the documents prove the contention of the Petitioner that he was working from the year 1982 under the Respondent/ Management. Since the Petitioner alleged that he has continuously worked from the year 1982 the burnden is on the employee namely the Petitioner to prove that he had rendered services for more than 240 days in a year or continuously working from the year 1982. Since it was the claim of the Petitioner that he had worked continuously from the year 1982 which was denied by the Respondent/ Management, merely filing an affidavit or merely examining a oral witness in these circumstances cannot be regarded as sufficient evidence and therefore, 1 find there is no point in the contention of the counsel for the Petitioner that the respondent has not produced any document to show that the Petitioner has worked for 106 days from the year 1991 to 1994. Again the learned counsel for the Petitioner argued that the Petitioner has given particulars of numbers of days under Ex. W 4 and the Respondent has not disputed the same by producing any acceptable evidence and therefore, it should be accepted. But again, I find there is no point in the contention of the learned counsel for the Petitioner because mere allegation will not be a proof of the Petitioner's contention. The Petitioner has not produced any material documents to show that he has worked from the year 1982 continuously under the Respondent/Management and therefore, the vague allegation will not prove the case of the Petitioner. The learned counsel for the Petitioner relied on the rulings reported in 19711 LLJ 241 PILOT PEN COMPANY INDIA PVT. LTD, I/S. PRESIDING OFFICER, ADDITIONAL LABOUR COURT, MADRAS AND ANOTHER. But I find the said citation is not relevant for the purpose of this case. In this case, since the Petitioner has not proved that he was continuously working with the Respondent/Management from the year 1982, I cannot hold that the Petitioner is entitled to the benefits of Section 25 F of the Industrial Dispsutes Act.

7. As against this, on behalf of the Respondent, it is contended that though the Petitioner was doing maintenance work, it was not continuous in nature. From the year 1983, he has worked only for 106 days as per the report submitted by the Junior Engineer of Arakkonam Depot of the Respondent Corporation. He was engaged only as a casual iabourer and he was never appointed by

the FCI, on the other hand, the Junior Engineer of Arakkonam Depot engaged the services of the Petitioner as casual labour and no permanent employee was necessary for doing the above said maintenance work. Since the Petitioner was never appointed by the Food Corporation of India, no question of retrenchment would arise to attract the provisions of Section 25 F of the Act and it is the further contention of the Respondent that labourers are engaged in depot only when need arose and engages contractors who will engage their own employees to do their work and the FCI never engaged anybody directly to do any work on permanent basis. Therefore, the Petitioner was engaged as a casual labour only when the services of casual labour was unavoidable. It is further contended on behalf of the Respondent that in the statement filed before the Regional Labour Commissioner, the Petitioner has stated that he worked in the houses of various officials of FCI and therefore if any official of Food Corporation of India engaged the Petitioner to do any of his personal work in his house, the Petitioner cannot claim any right to get permanent employment in FCI. The Petitioner never worked continuously for 240 days in a year and therefore, he is not entitled to claim the benefits under I.D. Act. Further, the learned counsel for the Respondent relied on the judgment reported in 2003 3 MLJ 327 KASHMIR LAWRENCE VS. PONDICHERRY MUNICIPALITY AND ANOTHER and he argued that in that case the High Court has held that a temporary appointee is not entitled for regularisation of service and as such Petitioner is not entitled to any relief as claimed by him.

8. From the documents produced by the parties and from the arguments advanced by the counsel on either side, I find much force in the contention of the Respondent because since the Petitioner alleged that he has worked continuously from the year 1982 under the Respondent/ Management, the burden of proving the contention is upon the Petitioner. But, the Petitioner has not established this fact with any satisfactory evidence. Under such circumstances, I Find the Petitioner cannot claim any relief against the respondent. Therefore, I find this point against the Petitioner.

Point No. 2 :—

The next point to be decided in this case is to what relief the Petitioner is entitled ?

9. In view of my foregoing findings, I find the Petitioner is not entitled to any relief as claimed by him No. Costs.

10. Thus, The reference is answred accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 28th April, 2004)

K. JAYARAMAN, Presiding Officer

Witnesses Examined :—

For the I Party/Workman : WW1 Sri S. Kumar
WW2 Sri K. Jayakanthan

For the II Party/Management : WW1 Sri T. Eraniyan

Documents Marked :—

For the I Party/Workman :—

Ex. No.	Date	Description
W1	02-08-91	Xerox Copy of the letter from Food Corporation of India Vellore to Chennai office
W2	30-05-92	Xerox copy of the Gazette Notification.
W3	20-10-94	Xerox copy of the letter from Petitioner to Assistant Labour Commissioner (Central)
W4	25-10-94	Xerox copy of the letter from Petitioner to Assistant Labour Commissioner (Central)
W5	16-06-95	Xerox Copy of the letter from Food Corporation of India Employees Union to Respondent
W6	28-10-96	Xerox copy of the letter from Respondent/ Management to Petitioner.
W7	Nil	Xerox copy of the letter from Petitioner to Respondent
W8	07-11-96	Xerox copy of the letter from Petitioner to Respondent
W9	Nil	Xerox copy of the Petitioner's record sheet.

For the II Party/Management :—

Ex. No.	Date	Description
M1	Nil	Xerox copy of the statement showing serivice particulars of Petitioner
M2	09-08-94	Xerox Copy of the letter from Food Corporation of India Vellore to Chennai office
M3	11-04-96	Xerox Copy of the order of reference
M4	09-08-94	Letter from Food Corporation of India Vellore to Chennai Office
M5	Nil	Statement showing service particulars of Petitioner
M6	11-04-96	Order of reference received from Ministry.

नई दिल्ली, 21 जून, 2004

का. आ. 1693.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एफ० सी० आई० प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-I नई दिल्ली (संदर्भ संख्या-51/92) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-6-2004 को प्राप्त हुआ था।

[सं. एल-22012/476/एफ/91-आई. आर. (सी. II)]

एन. पी. केशवन, डैस्क अधिकारी

New Delhi, the 21st June, 2004

S.O. 1693.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 51/92) of the Central Government Industrial Tribunal-cum-Labour Court-II New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of FCI and their workmen, which was received by the Central Government on 21-6-04.

[No. L-22012/476/F/91-IR (C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II

RAJENDRA BHAWAN, GROUND FLOOR, RAJENDRA PLACE, NEW DELHI

PRESIDING OFFICER : R. N. RAI,

I.D. NO. 51/92

IN THE MATTER OF : R.C. ABHI

VERSUS

F.C.I.

AWARD

The Ministry of Labour by its letter No. L/22012/476/F/91 IR(C-II) Central Government, has referred the following point for adjudication. The point runs as hereunder :—

"Whether the action of the management of Food Corporation of India in not giving the original post, i.e. Asstt. Manager (Depot) to Shri R.C. Abhi, is justified ? If not, to what relief the workman is entitled to ?

The claimant has filed statement of claim. It is stated in the statement of claim that he was promoted to the post of Asstt. Grade-I (Depot) in Nov./December, 1971 and joined Haryana Region (FCI) in Nov./Dec. 1971 as Asstt. Grade-I (Depot).

That the workman was promoted from Asstt. Grade-I to the post of Asstt. Manager (Depot) and posted to Punjab Region on promotion and the workman joined in Punjab Region as Asstt. Manager (Depot) in May, 1982.

That the workman while working as Asstt. Manager (Depot), in Punjab Region was issued with a charge sheet. As a result of the charge sheet, the workman was first reverted from Asstt. Manager to the post of Assistant Grade-I.

That while deciding the aforesaid case, the Senior Regional Manager, FCI Punjab Region awarded the following penalty to the workman :-

"Therefore, the undersigned in exercise of the powers conferred under regulation 56 of FCI (Staff) Regulations 1971 thereby imposes upon said Shri R. C. Abhi Assistant Grade-I (Depot), the penalty of reduction to the lower post of Assistant grade-II (Depot) for a period of 3 years. He will be promoted to his original post after three years subject to suitability."

When the workman was charge-sheeted he was working as Asstt. Manager. Thereafter he was reverted and he was given three years time for promotion after the penalty of expiry period. He was not promoted to his original post of Assistant Manager (Depot) but he was promoted to the post of Assistant, Grade I Depot.

The Opposite Party has filed written statement. In their written statement it has been stated that the contents of the claim have been denied. Some of them have been admitted. It has been stated that the application is misconceived. He has no right to file the present application. He has filed application under 33 C(2) also. The workman has filed several applications before the Hon'ble Tribunal and has stated multifarious litigation against the Management of Food Corporation of India.

That the claimant has filed rejoinder. He has denied the allegations of written statement in the rejoinder and he has stated that he should be promoted to the post of Asstt. Manager.

Heard arguments from both the sides and perused the papers on record.

From perusal of the order sheet, it transpires that the workman was absenting since 2000. He is not turning up.

The learned counsel from the management has stated that he retired in 1994. He was working as Asstt. Manager In 1983 on probation, but charge-sheet was given to him and his promotion was withheld for three years. He was eligible for the post of Asstt. Grade-I so he was posted as such. The management has filed written arguments but nothing has been filed from the side of the workman. He retired in 1994. Papers regarding his retirement has been annexed with the record. As such, it was further argued that no post of Asstt. Manager was vacant at that time and he was reverted to the Asstt. Grade-I as he was on probation so he was promoted to Asstt. Grade-I and there was no post vacant so he could not be promoted. In the meantime, he retired. As such the work applicant has no case. He has left the case himself.

The award is replied thus :—

"The action of the management of Food Corporation of India in not giving the original post i.e. Asstt. Manager (Depot) to Shri R.C. Abhi, is justified. The workman is not entitled to any relief as asked for."

The award is given accordingly.

Dated : 23-4-2004

R. N. RAI, Presiding Officer

नई दिल्ली, 21 जून, 2004

का. आ. 1694.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारत इंडियन ग्रुप एण्ड सेन्टर के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों

के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण लखनऊ के पंचाट (संदर्भ संख्या-10/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-6-2004 को प्राप्त हुआ था।

[सं० एल-14012/59/2001-आई० आर० (डी०यू०)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 21st June, 2004

S.O. 1694.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 10/2002) of the Central Government Industrial Tribunal-cum-Labour Court Lucknow now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bengal Engineering Group & Centre and their workman, which was received by the Central Government on 21-6-2004.

[No. L-14012/59/2001-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT LUCKNOW

Presiding Officer : Shrikant Shukla

Present :

I.D. No. 10/2002

(No. L-14012/59/2001-IR (DU)

Dated 7/23-1-2002

Between :

Shri Matin S/o Shri Hashiben Ahmed
Near Masjid, Lalkurti Bazar, Roorkee Cant, Roorkee, Hardwar (U.P.)

And

1. Commandant/Administrative Officer
   Bengal Engineers Group & Centre, Roorkee, Hardwar (U.P.)
2. The Manager, Sapper Bakery
   Bengal Engineers Group & Centre, Roorkee, Hardwar (U.P.)

AWARD

The Government of India, Ministry of Labour vide its order No. L-14012/59/2001-IR (DU) dated 7/23-1-2002 referred following issue for adjudication to the Presiding Officer, CGIT cum Labour Court, Lucknow.

> "Whether the action of the management of Bengal Engineering Group and Centre in terminating the services of Shri Matin Ahmed, Helper w.e.f. February'96 is just and legal? If not to what relief the workman is entitled for?"

Facts of the case is that Commandant, Bengal Engineering Group and Centre, Roorkee is an unit of Government of India, Ministry of Defence and Sappers Bakery functions under the control and directions of Bengal Engineering Group and Centre. For proper functioning of the Sapper Bakery civil and regimental employees are appointed. Such employees are different than armed soldiers. Regimental Institute is established for its employment and management. Various confectionery/bakery items such as bread, biscuit, pastry, patties, pizzas, cakes etc. are produced in furnishes under planned and systematic process, the same are sold and profit is earned. Employers of the Sapper Bakery appointed the workers Shri Matin as Helper in February'95 at the monthly wages of Rs. 300 p.m. Shri Matin was terminated in February'96 without any notice, compensation. It is alleged that the worker has worked for over 240 days in the 12 months. Thus the retrenchment of the worker is not legal and justified. The work on which Shri Matin was employed is that of a permanent nature and other person named Shri Madan Pal is engaged on the same post and Madan Pal is accordingly working. When Shri Matin came to know that fact, he demanded for employment from the employers and also placed his demands in writing dated 23-10-2000 and 27-11-2000. Ultimately Shri Matin got served legal notice on employer. Shri Matin was assured in writing that his name is registered in waiting list. Worker has pleaded that not only he is unemployed, but also reached at the stage of starvation. Worker has prayed that the issue he answered in affirmative and he be reinstated with back wages.

Management (employer) while contesting the statement of claim, has denied the claim of Shri Matin. Management has alleged that the production of confectionery, bakery articles are produced on mini scale and the same is done with the purpose of welfare of service men, ex-service men. There is lack of profit motive. The activities cannot be termed as industry. The worker does not come with in the definition of workman. Shri Matin has not put in 240 days working during the preceding 12 calendar months. He has left service of his own will and accord. That is the reason the workmen remained silent for a period of 5 years and did not initiate any case. It is alleged that since the opposite party is not an industry therefore CGIT cum Labour Court has no jurisdiction to adjudicate the case and reference order under Section 10 of Industrial Disputes Act, 1947 is not legally sustainable. The Bengal Engineers, Group and Centre is a training centre for Engineer personnel of the Indian Army. It is integral part of the Indian Army, and is engaged in sovereign function of the State and is not engaged in any industrial activity, commercial venture, business, trade or any manufacture venture. As a welfare activity and totally dedicated to the welfare of army jawans, troops, the service personnel, ex-service personnel and other families, on a mini scale basis carry on bakery called Sappers Bakery and products are not sold to open market for the public at large. Bakery is functioning on no profit no loss basis. Sappers Bakery is not independent, separate, alienable or severable from Bengal Engineer Group and Centre, but a small part and parcel of the Centre.

The worker has filed following Photostat copies of documents :—

1. Extract of salary register for the month of Jan'96.
2. Receipt of Sappers Bakery 27-8-2000 in the name of Iqbal, without any signature.
3. Application of Matin dated 4-10-2000 addressed to Manager, Sappers Bakery.
4. Postal Receipt.
5. Application of Matin dated 23-10-2000 addressed to Commandant Bengal Engineers Group and Centre, Roorkee.
6. Post Receipt.
7. Application of Matin addressed to Commandant Bengal Engineers dated 27-11-2000.
8. Legal notice of Advocate dated 8-1-2001 with postal receipts.
9. Letter of Administrative Officer dated 3-11-2000 addressed to Matin Ahmed.
10. Photocopy of envelope.
11. Reply of legal notice dated 3-2-2001.

Opposite party has filed Photostat copies of following documents :—

1. Order dated 2-8-2001 of Labour Court, Dehradun in Misc. Case No. 58/2001 Karfulu Rehman Vs. Bengal Engineers Group and Centre.
2. Order dated 2-8-2001 of Labour Court, Dehradun in Misc. Case No. 59/2001 Matin Ahmed *Vs* Bengal Engineers Group and Centre.
3. Functions of Bengal Engineers Group and Centre, Roorkee.
4. Brief history of Bengal Engineers Group and Centre (Relevant portion).
5. Extract of Attendance Register of Matin from Feb.'95 to Feb.'96.
6. Extract of Wage Register October'95 to Feb.'96.
7. Terms and conditions of service of regimental employees dated 31st Oct.'1995 and 17th Oct.'1998.

The worker (Matin) has examined himself on 7-4-2004 and closed the evidence.

On 9-6-2004 the worker and his representative remained absent and as such case proceeded ex-parte against the worker. On 10-6-2004 the opposite party filed affidavit of Lt. Col. R. Swain.

Heard Learned representative of opposite party alone as the worker and his representative remained absent. I have carefully perused pleadings and evidence on record.

Issue referred for adjudication is whether the action of Bengal Engineers Group and Centre in terminating the services of Shri Matin S/o Shri Hashiben Ahmed Helper w.e.f. Feb.'96 is justified and legal?

Worker has stated in para 4 of his statement of claim that he was terminated in Feb.'96 without notice and compensation.

Worker has to prove that on a specific date in Feb.'96 he was terminated by the employer.

On the other hand the employer has specifically denied the allegation, and stated that worker had left the service of his own will and accord. Therefore it has to be adjudged whether the worker was terminated by employer or he deserted the employer.

The worker has filed the Photostat copy of his application dated 4-10-2000, addressed to the Manager, Sapper Bakery wherein he stated that he was terminated in Nov.'96 without any reason. In another letter dated 23-10-2000, addressed to the opposite parties, he again stated that he was terminated in Nov.'96. He again stated in third letter dated 27-11-2000, that he was terminated in Nov.'96. Legal notice was also sent to the employer dated 8-1-2001 on behalf of the worker stating that the worker was terminated in March'96. It is strange to observe that in all his statements he has not stated the date of his terminations in Nov. '96 or March'96. When worker examined himself on oath he did not specify specific date and month on which he was terminated. However he has stated in examination in chief that he worked as a help as casual worker only for a period of 6-7 months. Matin has stated in his cross-examination that he himself left the job on the ground of low salary. He also stated that he started earning Rs. 2000 p.m. from service in another private bakery for 2-3 months, thereafter he is self employed and earns about Rs. 3000 besides paying Rs. 200 to sales men whom he has engaged. On the one hand the worker has failed to state any specific date, month and year of his termination, on the other hand he states that he has worked only for 6-7 months with the opposite party.

The above discussion clearly proves that the worker Sh. Matin was not terminated by the employer. It proves that the worker deserted the employer of his own due to less wages for gainful employment.

The management has also proved by the working days by producing the photocopies of attendance register of Sh. Matin. The said document prove that the worker Sh. Matin actually worked for a total of 130 days from Feb. '95 to Jan. '96. As the worker did not work for 240 days, prior to his leaving the employment, therefore also no question arose for compensation.

From the discussion above, I come to the conclusion that the workman was not terminated by the opposite party, and he left the employment of his own for better employment. Issue is answered accordingly. I also come to the conclusion that the claim initiated was baseless and the worker is not entitled to any relief.

SHRIKANT SHUKLA, Presiding Officer

नई दिल्ली, 21 जून, 2004

का. आ. 1695.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केनरा बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, नई दिल्ली के पंचाट (संदर्भ संख्या 44/93) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-5-2004 को प्राप्त हुआ था।

[सं. एल०-12012/47/93-आई.आर. (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 21st June, 2004

S.O. 1695.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 44/93) of the Central Government Industrial Tribunal-cum-Labour Court, No. 1, New Delhi as shown in the Annexure, in the Industiral Dispute between the employers in relation to the management of Canara Bank and their workman, which was received by the Central Government on 25-5-2004.

[No. L-12012/47/93-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, NEW DELHI

PRESIDING OFFICER: Shri D. N. Pandey

I. D. No. 44/93

Shri Anil Kumar Anand
S/o Shri Kishan Lal Anand,
R/o 97/2, Mohalla Dhama Wali,
Dehradun, through
Shri N. S. Kaushik,
Court Road, Moradabad. Workman

Versus

Senior Manager,
Canara Bank,
29, Rajpur Road,
Anikan Place,
Dehradun-248001. Management

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-12012/47/93-IR (B-II) dated 17-5-93 has referred the following industrial dispute to this tribunal for adjudication :

"Whether the action of the management of Canara Bank in dismissing Shri Anil Kumar Anand S/o Shri Sri Kishan Lal Anand from the services of the Bank w.e.f. 5-12-89 is justified? If not, what relief the workman is entitled to?"

2. The workman Shri Anil Kumar Anand has challenged the validity of the impuged dismissal order dated 5-12-89 passed against him by the management of Canara bank. In his statement of claim the workman has alleged that he was serving the management respondent as sub staff at its Rajpur Road Branch, Dehradun till 15-12-89. That in the month of October, 1988 a sum of Rs. 61062(Sixty one Thousand and Sixty two only) was defrauded by a gang at work in the branch of the respondent at Rajpur Road Branch Dehradun, that although the scandle was detected yet the matter was concealed from the higher authorities for a period of four month and no report was made by anybody either to the bank or the police; that later on existence of a conspiracy in the scandle with definite involvement of bank officials at different points and at different levels was revealed, that apparently it was on participation of more than one person in the day and a fake investigation was arranged in conspiracy with the bank officials, a false report was submitted by the investigating agency and in the same sequence, as a next step, this workmen was a low paid employee was chosen to be made scapegoat for the purpose and so on 10-4-89 a charge sheet was served on him; that the workman was given only 3 days time to reply the charge sheet, that the provisions of Bipartite Settlement which have overriding effect on the rules and procedure of discipline and conduct are applicable in the case of the workman and the management that an enquiry was instituted without complying procedure prescribed in the Bipartite Settlement. The enquiry officer acted more as disciplinary authority and not like the enquiry officer alone; that the enquiry officer ignored the rules and procedure provided in the Bipartite Settlement and also the principles of natural justice and ultimately held the workman guilty of the charge levelled against him; that no show cause notice was given to the workman and the disciplinary authority did not apply his own independent and free mind. No personal hearing was given to the workman either by the disciplinary authority or appellate authority and the disciplinery authority inflicted the punishment of dismissal of the workman. That the impugned order is illegal and against the principles of natural justice. Hence liable to be set aside and the workman is entitled to be re-instated in the service with full back wages, continuity in service and all other benefits alongwith cost.

3. The claim of the workman has been contested by the management by way of filing a written statement. In written statement it has been inter-alia alleged that the allegations made by the claimant workman are puipably wrong that the claimant while on duty committed fraud in a sum of Rs. 61062 which aspect on coming to know was duly investigated, the matter was duly enquired by serving a charge sheet in the departmental enquiry wherein the

workman was found guilty of the charges. The claimant had duly cross-examined the bank witnesses through his defence representative. He was given proper fair and reasonable opportunity. The enquiry officer found the charges against the claimant proved. The disciplinary authority accepted findings of the enquiry officer and imposed punishment of dismissal on the claimant. The appeal against the dismissal order filed by the claimant was also dismissed by the Appellate Authority confirming the order of disciplinary authority, that there was no illegality in holding the enquiry and awarding the punishment of dismissal and dismissing the appeal, that the matter does not warrant interference by this Tribunal, the claimant is not entitled to any relief whatsoever. His claim petition deserves to be dismissed.

4. Rejoinder was also filed by the workman against the written statement denying contentions of the written statement and reiterating his earlier versions made in the claim statement.

5. Out of the pleadings of the parties following issues were framed :

1. Whether domestic enquiry conducted against the workman is fair and proper?

2. As in the terms of reference.

6. Both the parties adduced their documentary evidence as well as oral evidence through affidavit. The witnesses who filed affidavit were also cross-examined by the A/R of the respective opposite party.

7. I have heard ld. representatives of both the sides and perused the file.

FINDINGS

ISSUE NO. 1

The learned representative of the workman did not press this issue so far as it relates to the formal procedures adopted by the enquiry officer during enquiry proceedings. But he vehemently argued that the very initiation of the disciplinary proceedings were against the provisions of Bipartite Settlement which was applicable in this case and, therefore, the entire disciplinary proceedings adopted by the management against the workman vitiated and is void ab initio. He contended that in the instant case it is alleged that the workman made certain forged entry viz "A/C Everest Wine Shop" in his own hand writing on cheque No. 7963163 which was also stolen by him and subsequently withdrawn fraudulently and thereby committed an offence and caused damage to the property of the Bank. Hence committed a gross misconduct. It is also alleged by the management that it was an offence amounting to moral turpitude but no FIR was lodg[illegible] to the police nor any other action was taken for abo[illegible] months.

The ld. counsel of the workman also contended that the enquiry officer acted with the pre-determined mind to dismiss the workman from service and he acted beyond his jurisdiction by [illegible] punishment. The findings recorded and conclusion drawn by the enquiry officer are also [illegible] and based on conjectures which has resulted into [illegible] of justice and caused a gross prejudice to the workman.

After perusal of the file, I [illegible] the A/R of the workman are [illegible] in para 19.2 of the Bipartite [illegible] by the expression "Offence" [illegible] offence involving [illegible] [illegible] Law. Para 19.3 [illegible] [illegible] offence [illegible] take steps to prosecute [illegible] and in such case he may also be [illegible] convicted, he may be [illegible] [illegible] in Clause 19.6 [illegible] [illegible] the management [illegible] [illegible] to [illegible] of the [illegible] in service [illegible] with three months [illegible] notice. Para 19.4 [illegible] "If after steps have been taken [illegible] employee or to get him prosecuted, for an offence [illegible] on trial within a year of the commission of offence. The management may [illegible] [illegible] an act of "gross misconduct" [illegible] misconduct" — provided that if [illegible] to start prosecution proceedings [illegible] or owing to the conclusion that there is no case for prosecution it shall be open to the management to proceed against the employee under the provisions set out below in Clauses 19.11 and 19.12 infra relating to discharge ——— In the event of the management deciding after enquiry not to continue him in service he shall be liable only for termination with three months pay and allowances in lieu of notice as provided in clause 19.3 supra."

The above mentioned provisions of the Bipartite Settlement clearly provides that if any employee has committed any offence the management has to take 1st steps to prosecute him unless he be otherwise prosecuted. Admittedly no FIR was lodged against the workman although according to the management he had committed an offence involving moral turpitude. There is nothing on the record to show that any step was taken to prosecute the workman or otherwise he was prosecuted. There is nothing on the record to show that after prosecution the workman was convicted. In view of the above provisions of

the Bipartite Settlement. In a case of offence involving moral turpitude an employee can be dismissed only if he has been convicted after trial but in case of no conviction or prosecution even after holding departmental enquiry the employee cannot be dismissed even after holding enquiry and finding the charges proved against the employee, employee cannot be dismissed from service but if the management decides after enquiry not to continue him in service the employee shall be liable only for termination of service with three months pay and allowances in lieu of notice as provided in para 19.3 (C) of the 1st Bipartite Settlement. Similar provisions have also been laid down in para 19.4 of the Bipartite Settlement which provides that if after steps have been taken to prosecute an employee but he is not put on trial within a year of the commission of offence. The Management may then deal with him as if he had committed an act of gross misconduct provided that if the authority which was to start prosecution proceedings refused to do so or comes to the conclusion that there is no case for prosecution, the management can proceed to hold enquiry and in case after enquiry the management decides not to continue the employee in service, the employee shall be liable only for termination with three months pay and allowances in lieu of notice as provided in clause 19.3 of the Bipartite Settlement. In the instant case admittedly neither any FIR was lodged nor any steps for prosecution of the workman was taken, nor he was otherwise prosecuted for the alleged offence within a year of commission of the offence. Therefore, the management could not punish the workman with the punishment of dismissal. If after holding the enquiry the management came to the conclusion and decide not to continue the workman in services the management could award the punishment of termination only with 3 months pay and allowances in lieu of notice as provided in clause 19.3 of the Bipartite Settlement. Admittedly this was not done in the instant case. Therefore, the management could not award punishment of dismissal.

As regards the findings and conclusion drawn by the enquiry officer I find that the enquiry officer based his enquiry report more on the alleged so called admission of guilt of the workman although I find that there was no admission by the workman before the enquiry officer or during enquiry. It was alleged that the workman had confessed his guilt before the Investigating Officer prior to enquiry. A copy of the Investigation report has also been filed by the workman himself. In this report it has been mentioned that on 12-10-88, 14 items were received in the registered tappal by Shri V.K. Hora, Accountant who handed over the same to the manager II line namely Shri R.K. Hari Dass who in turn handed over it to Anil Kumar Anand (workman) Sub Staff for handing over the same to the clerk incharge of Tappal namely Sh. Sateshwar Pershad. It is alleged in the investigation report that the clerk of the Tappal Department namely Sateshwar Pd. found only 12 letters as against 14 and on enquiries being made it was ascertained that one cover had been handed over to A.P. Gaur who is working as an Armed Guard in the branch and only 12 covers were available with the Tappal Clerk. On going through the list the branch realised that a cover bearing No. 5885 and an illegible name being the place of origin was concluded to be the missing cover. The branch had not made any further efforts to locate the missing item at that stage. It has been alleged that the S.B.I., after being requested by the branch furnished a photo copy of the D.D. which reveried that the D.D. was drawn favouring "Canara Bank A/c Everest Wine Stores" Further investigation at the branch level revealed that on 17-10-88 the proceeds of the said D.D. had been collected from the S.B.I. through clearing and that the same had been representation of the instrument which had originally been sent in clearing on 14-10-88 and returned for want of endorsement. It was also revealed that the proceeds collected were credited to C/A No. 167 in the name of "Everest Wine Shop" A/C No. 1 and that on 21-10-88 an amount of Rs. 61062/- had been withdrawn from the above account by issuing a self cheque. That the said cheque had been passed by the Senior Manager after comparing the signature on the cheque with a specimen lodged with the bank. Enquiries also revealed that Sri Satyabir Singh, who was authorised signatory for operation of the a/c, was no longer residing at Dehradun. Thereafter the Sr. Manager of the branch traced the address of Satyabir Singh near Moradabad and on contacting him he obtained a letter from him stating that the signatures found on the said cheque is his own. It is said that on perusal of the photo copy of the D.D. where the words "A/c Everest Wine Shop" has been added, the credit slip by which the D.D. was submitted for collection in clearing and cheque No. 7963 163 by which the amount has been withdrawn. It is clear that they are written by the same hand. is also alleged that the style of writing the language including spelling mistakes indicated that they resembled the handwriting of Anil Anand Sub Staff (workman), on interrogation,—The workman initially pleaded his ignorance in respect of the entire issue and handed over letter addressed to the Deputy General Manager stating that he has no knowledge whatsoever in the matter. Further sustained interrogation brought out the confession on the part of the employee wherein he stated that the cheque was encashed by him at the instance of an outsider who is said to have paid him an amount of Rs. 15000/- for assisting him in this fraud. He declined to identify the outsider on the plea that he did not know him and further stated that he will not give the same in writing for fear of action taken against him. It has been further mentioned in the investigation report that on Friday 24th February Shri K.L. Anand father of said Shri Anil Anand approached our senior manager, Deharadun Branch and offered to remit the amount involved in the above fraud. On being informed of the above, we proceeded to Dehradun on Sunday and on Monday 27th February K.L.

Anand approached the branch and remitted the amount of Rs. 61062/-. The amount has been kept in sundry Liability Suspense A/c. on 1-3-89 Shri Anil Anand approached the investigating Agency in the Circle Office and requested that he may be excused for having indulged in the above activity which according to him was due to the circumstances. The investigating officer has further mentioned that the family members of Anil Anand have cooperated with us in as much as they have repaid the entire amount which aspect may be kept in view as a circumstance which mitigates the culpability on the part of Shri Anil Anand.

From the report of the Investigating Agency it is clear that the workman did not confess his guilt in writing. There seems to be no reason as to why no action was taken at once if 1 or 2 envelopes were not received to the tappal clerk. There is no explanation as to why no action was taken at that stage. It has also come in the report that the amount was admittedly withdrawn by one Satyavir Singh who was authorised signatory for operation of the Account. On being asked Shri Satyavir Singh stated that he does not know how the cheque came in the passion of any third party to play the above fraud. The withdrawal cheque had been passed by the Senior Manager after comparing the signature on the cheque with the specimen lodged with the bank. There is nothing to show as to why no action was taken against Satyabir Singh or any other official or officer of the bank. The workman has given a clear explanation alleging that he never made any such confession before any authority and it was wrongly mentioned in the investigation report that he had admitted his guilt. He has also explained as to why amount was deposited by his father by alleging that there was an occasion of marriage in his family. The bank authorities called for his father and threatened him that in case he did not deposit the said amount his son (workman) shall be arrested and lodged in the prison and also be dismissed from service, and on account of that threat the father of the workman, in order to save his prestige at the occasion of marriage the said amount, therefore, it cannot be treated as any admission of guilt of the workman.

It is well settled that any confession must be made by the accused before any authority authorised to record confession or in presence of independent reliable witnesses. The workman has clearly denied the said allegation of admission and therefore deposit made by his father cannot be treated as an admission of workman for commission of guilt of the workman. Both the parties examined witnesses before the enquiry officer including hand writing experts, from both the sides. MW3 Sateshwar Pd. was examined by the management before the enquiry officer who is his examination in chief stated that during October, 1998 he was working in the Tappal Department and that Shri Anil Ananad Sub Staff had opened the 14 inward registered covers on 12-10-88 and that he (Sateswar Pd.) himself had entered registered covers (inward) received in [copy illegible] register from item No. 1 to 12. Item 13 was entered by R.K. Haridass Manager. He further stated that he himself had asked Anil Anand to search the envelope which was missing and then he himself reported to R.K. Haridass regarding the missing of one cover. In cross-examination by the defence representative MW1 stated that he himself first asked Shri Anil Anand to search envelope which was missing and then myself, Mr. V.K. Hora and Sateshwar Pd. searched the missing envelope but could not find. This evidence goes to show that one envelope was found missing on the same day in presence of all other official-officers of the bank but no action was taken in that respect against anyone including the workman at that time MW4 was the Investigating officer, Manager staff section (O), in his evidence before the enquiry officer he stated that Anil Anand had admitted before him and he is not aware whether Shri Anil Anand made any admission before the authority. Admittedly admission was not recorded in writing and it has also been denied by the workman, MW5 was the hand writing expert. The workman had also examined another hand writing expert in his defence before the enquiry officer. In his report DW1 Shri B.S. Chaudhary hand writing expert of the workman clearly stated before the enquiry officer that the fraudulent endorsement were made in different hand writing by different persons nad not by the same person who had written the admitted writings. I find that there was no evidence of admission of guilt against the workman, the investigation officer was not an independent witness; the members consitsting investigating team were officers of the same bank. The report of the hand writing experts are from both the sides and their opinion evidence are different. Their evidence before the enquiry officer is oath against oath. more over it was only opinion evidence, hence in absence of any substantive evidence it could not be made basis of proof of the charge against the workman. I find that this aspect of the case and value of the evidence was not considered by the enquiry officer before giving his findings against the workman. The contradictory reports given by the hand writing experts of both sides itself goes to show that the management failed to prove its case against the accused beyond doubt. In absence of any cogent and reliable evidence against the workman, he could not be held guilty for the alleged charges. Besides, the enquiry officer also proposed the punishment of dismissal in his enquiry report, for which he was not competent. Any punishment can be proposed by the disciplinary authority only after concurring the enquiry report holding the employee guilty. It also goes to show that the enquiry officer was not acting fairly and independently but acted with predetermined mind. The workman was only a substaff. I find that from the very beginning the management acted arbitrarily and against the provisions of law and para 19 of the first Bipartite Settlement. The alleged conduct of fraud and forgery in the cheque was an offence, but no F.I.R. was

lodged nor any other action was taken. There was also involvement of other officials. Bank authorities and others but no action was taken against them. The alleged amount was admittedly withdrawn by 3rd party who also admitted this fact before the investigating agency. But there is no explanation as to why no action was taken against him. There is also no explanation as to why immediate action was not taken by the bank authorities soon after the fact came to their knowledge that one envelope was found missing. Therefore, I find that the bank authorities did not act fairly and legally. No doubt during enquiry proceedings procedural formalities were completed by giving opportunity of cross-examination of witnesses in producing defence evidence but it appears that it was merely a sham show. Issue No. 1 is decided accordingly.

In view of the above facts that the bank authorities did not act properly and legally from the very beginning, they did not lodge any FIR nor took any action for prosecution of the workman. They ignored the provisions of para 19 of the 1st Bipartite Settlement. Therefore, the entire enquiry proceedings vitiated. Hence I find no justification to re-open the enquiry or give further opportunity to the management to adduce any other evidence. If it is done it would be futile and merely causing further harassment to the workman. All the possible evidence was already adduced by the management before the Enquiry Officer. No other proposed evidence or witness was left to be produced or examined during enquiry. The case is also old one. Therefore, I proceed to decide the case on merit.

ISSUE NO. 2

I have already held above that in case of an offence if no step for prosecution of an employee is taken or even if it is taken employee may ultimately be acquitted or after steps have been taken to prosecute an employee he is not put on trial within a year of commission of the offence the employee cannot be dismissed even after he is found guilty and even if the management decides after enquiry not to continue him in service. The employee can only be terminated with three months pay and allowance in lieu of notice. Admittedly it was not done in the instant case. The disciplinary authority as well as the A.G. failed to consider this aspect of the case. Therefore, the order of dismissal of the workman from service of the bank cannot be legally sustained.

In view of the above discussions, I find that the action of the management of Canara Bank in dismissing Shri Anil Kumar Anand workman from the services of the bank w.e.f. 5-12-99 is not justified. It is absolutely illegal and arbitrary. Therefore, it cannot be sustained and is liable to be quashed and the workman is entitled to be reinstated in service with continuity and all other consequential benefits, except back wages. The management shall take the workman in service within 30 days from the date of publication of the award in the official gazette. Parties shall bear their own costs. Award is given accordingly.

Dated : 22-4-2004 B. N. PANDEY, Presiding Officer

नई दिल्ली, 21 जून, 2004

का०आ० 1696.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एस. सी. सी. एल. प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 292/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-6-2004 को प्राप्त हुआ था।

[सं. एल-22012/36/2002-आई.आर. (सी-II)]

एन. पी. केसवन, डैस्क अधिकारी

New Delhi, the 21st June, 2004

S.O. 1696.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 292/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the Industrial Dispute between the management of M/s Singareni Collieries Co. Ltd. and their workman, received by the Central Government on 21-6-2004.

[No. L-22012/36/2002-IR (C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT :

Shri E. Ismail, B. Sc., LL.B.,
Presiding Officer

Dated the 28th day of May, 2004

INDUSTRIAL DISPUTE No. 292/2002

BETWEEN:

Shri T. Ram Babu,
Vice President,
Singareni Coal Mines Labour
Union (INTUC), Near Super Bazar,
Ramakrishnapur-504301. .....Petitioner

AND:

The General Manager,
M/s. Singareni Collieries Co. Ltd.,
Ramakrishnapur Division,
Ramakrishnapur-504301. .....Respondent

APPEARANCES:

For the Petitioner : Sri T. Ram Babu, Representative

For the Respondent : M/s. K. Srinivas Murthy, V. Umadevi, C. Vijayshekar Reddy & G. Praveen, Advocates

AWARD

The Government of India, Ministry of Labour by its Order No. L-22012/36/2002-IR(CM. II) dated 3-10-2002 referred the following dispute under Section 10(1) (d) of the I.D. Act, 1947 for adjudication to this Tribunal between the employers in relation to the Management of M/s. Singareni Collieries Co. Ltd. and their workman.

SCHEDULE

"Whether the action of the management of M/s. Singareni Collieries Co. Ltd., Ramakrishnapur Division, Adilabad District (AP) in not considering Sri Perugu Sadanandam, Acting Clerk for appointment as Clerk in R.K.-1 Division is justified or not? If not, to what relief is the workman entitled?"

This reference was registered as Industrial Dispute No. 292/2002 and notices were issued to the parties.

2. The brief averments of the claim statement as averred are : That the Petitioner was appointed as floating badli coal fillet in the year 1989 and regularized in service in the year 1990. At time of initial appointment, the Petitioner was studying in the final year of Graduation. Due to family circumstances he opted for the post and joined as badli coal filler and was getting wages as per the National Coal Wage Agreement. It is respectfully submitted that in the year 1992 internal circular was issued by the respondent Management called for the candidates who are working in the mines and having educational qualifications to work as Clerks and he applied for the said post, by that time he passed graduation. That Ramakrishnapuram area was totally neglected for selection of clerks. That the Petitioner was identified as a graduate and called upon to work as clerk. At that point of time the Petitioner pointed out that he was working as piece rate coal filler and getting first category wages, which is more than that of a clerk post and he is not interested to work as clerk, and he is not interested to work as clerk as he is getting lesser wages. In view of the serious shortage of clerks, they assured the Petitioner that they will be giving a post of clerk and issued orders to work as clerk and thus made this Petitioner to discharge duties of three different clerk duties i.e., Manway Clerk, Magazine Clerk and Paysheet Clerk. When the Petitioner was discharging duties as clerk as per the instructions of the Management they have to pay the difference of wages between category one wage and the clerk category wage, but the management did not follow the practice in the case of Petitioner and started paying underground allowance. Which clearly indicates that this Petitioner was underground workman, made to discharge duties as surface clerk thus deprived the line of promotion in the underground area and not regularized as clerk in the clerical category. This created disharmony in the workman and union raised demand in this regard and they entered into settlement on 31-3-97 and under Sec. 3 of the I.D. Act. That an understanding was arrived between the Management and the union. But when the acting clerks made demand for regularisation of their services, the management stated that they have formulated eligibility criteria, according to which the clerk should possess qualification of graduation with typewriting and also should pass the typewriting and also should pass the typewriting examination and should have work experience. The Petitioner herein was graduate, passed typewriting examination and also passed post graduate diploma in PMRI. As he is having all the necessary qualifications, the Management was extracting three different duties assigned to clerks from one employee, but started paying mine wage contrary to the settlement dated 21-11-86. It may not be out of place to mention that the persons who passed SSC examination also selected and posted as clerks. That in order to deprive the Petitioner an order dated 14-2-98 was issued to the Petitioner to go back to mine to work as tunnel mazdoor and depriving him of his rights to get the benefit of appointment as clerk and the emoluments. The Petitioner filed WP No. 5731/1998 and obtained *status quo* order and continued to work as acting clerk. After disposal of the said writ he filed Review Petition No. WPMP No. 21967/1999 before the Hon'ble High Court of A.P. and the review petition was allowed on 29-10-99 with a direction to the Management to determine the Petitioner's entitlement to the benefit of the settlement dated 31-7-1997 duly considering the facts, within a period of two months from the date of order, till then *status quo* should be maintained in respect of the continuation of the Petitioner in service. In pursuance of the said order the Respondent Management ought to have been reviewed the entire case, the Management was aggrieved of the review order and only to show to the Hon'ble High Court, that they have implemented the settlement, have chosen to issue order dated 29-12-99 stating that this Petitioner was not qualified in the order of merit as such he was not regularized and the Management has regularized the services of 157 acting personnel as clerks. That the Petitioner was called for interview on 25-1-99 along with others and make show interview was conducted, only to show before the Hon'ble High Court that they acted in compliance with the order. That WP No. 1269/2000 was disposed of on 26-12-2000 with the observance that the aggrieved candidates can approach appropriate Forum under Sec. 2(K) of the I.D. Act. Hence, the present dispute. Several juniors with no qualifications were appointed but the Petitioner was disqualified. In the counter affidavit in WP No. 978/2000 marks obtained were shown to the Hon'ble High Court of A.P. as though this Petitioner has got less marks. Had the Management did not take the clerical work from the Petitioner and Petitioner remained in the mine, he would have even become a Overman or Under Manager of the Mine under the Mining Act and could have been drawing higher salary than in the Administrative Area on surface. Hence, an award may be passed directing the Management to issue orders to the Petitioner as a clerk in Ramakrishnapuram Division from the date of his eligibility

by giving the said pay scale, wages, continuity of service, seniority and all attendant benefits etc.

3. A counter was filed stating that mere acting does not confer any rights. The Hon'ble High Court in WP No. 38/2000 and batch dismissed the Petitions vide its orders dated 17-8-2000 where Sri P. Sadanandam was also one of the Writ Petitioners in the batch i.e., WP No. 978/2000. The operative portion is extracted below:

> "The Petitioner claim that they are seniors to those who have been selected, therefore, they should have been regularized rather than the private Respondents. No factual basis is laid down on the basis of which this Court could come to a conclusion that the Petitioners are better than the selected ones. Even otherwise, it is settled that this Court is not empowered to act as an appellate authority. Since a procedure has been prescribed by the Respondents for selection, there were limited number of posts and large number of contenders, seniority was not the only criteria as has been stated in the counter affidavit and also the settlements. In the 1997 settlement, it was agreed between the parties that the regularization will be as a one time measure and qualifications were laid down. It was also stated that the selections should be made on the basis of assessment and interview. Seniority was only relevant to the extent that persons who had three years service on a particular date should be eligible for regularization. Only on the ground that some junior people have been regularized, their selection cannot be quashed. For these reasons, I don't find any merit in these Writ Petitions and they are accordingly dismissed."

4. The contention of the Petitioner that the orders dated 14-2-98 asking the Petitioner to go back to mine to work as tunnel mazdoor and depriving him of the right to benefit of appointment as clerk and the emoluments for the said grade is denied and the Petitioner is put to strict proof there off. That the Petitioners have filed a review petition and the Hon'ble High Court of A.P. directed the Respondent Management to assess and determine the Petitioner's entitlement to the benefit of settlement dated 31-7-97 and maintain status quo as on the date. The Petitioner's were informed that they were not eligible in terms of settlement dated 31-7-97. Hence, the claim is devoid of merits and may be dismissed with costs.

5. The Petitioner, affected party Sri P. Sadanandam or Sri, T. Ram Babu, the Vice President of the union, the Petitioner herein were continuously absent from 25-11-2003 for about 5 or 6 adjournments. Ultimately, arguments of the Respondent's Counsel were heard.

6. It is argued by the Learned Counsel for the Respondent that the Petitioner is now working as a monthly rated grade, technical and srupervisory Grade-C with pay scale: Rs. 3988.00-135.00-5078.00-145.00-6528.00, whereas that of a clerk is Rs. 3698.00-110.00-4578.00-130.00-5878.00. So actually he is drawing higher pay and further the Writ Petition was dismissed by the Hon'ble High Court wherein Sri P. Sadanandam is the Writ Petitioner in WP No. 978/2000, which was dismissed. The review petition was field and again it was directed to consider the case of the Petitioner in terms of the settlement dated 31-7-97. As per the orders of the Hon'ble High Court of A.P. the case was considered and the Petitioner was informed that he is not eligible for regularization. So matter is already decided by the Hon'ble High Court. He is getting more pay. Hence, there is no merits in the case of the Petitioner. Hence, the petition may be dismissed.

7. It may be seen that the Petitioner has chosen to remain absent or even the affected party. Admittedly the Writ Petition was by the Petitioner for the same relief which was dismissed. A review petition was filed where the Hon'ble High Court of A.P. directed to consider whether he comes under the settlement dated 31-7-97 he was informed that he does not come. So apparently the matter has already been decided by the Hon'ble High Court. The Hon'ble High Court of A.P. has decided on merits the Writ Petition, because his Lordship observed, "for these reasons, I do not find any merit in this Writ Petitions and they are accordingly dismissed". So once the matter has been decided on merits and on a further application for review the Respondent Management was directed to consider whether the Petitioner comes within the settlement dated 31-7-1997 and that he was informed that he does not come. I am afraid I cannot be called upon to decide the same case once it is decided by the Hon'ble High Court of A.P. Further there appears to be no merits because his major complaint was that he is getting lesser amount. But the additional affidavit on behalf of the Respondent shows that he Petitioner is working in technical and supervisory grade C, drawing more pay than clerical grade II. Hence, I find no merits in the Petitioner's case. Further, affected party has not examined himself or the Vice President and not placed before this Court as to how injustice has been done to him. Even if it were placed as the Hon'ble High Court of A.P. has not dismissed the petition on the ground that the matter shall be decided by the Industrial Tribunal to decide but on merits. I am precluded to decide on merits once again. Hence the reference is answered as follows : The action of the Management of M/s. Singareni Collieries Co.Ltd., Ramakrishnapuram Division, Adilabad District in not considering Sri Perugu Sadanandam, acting clerk for appointment as clerk in R. K. I Division is justified and the workman is not entitled to any relief.

Award passed accordingly. Transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 28th day of May, 2004.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner:	Witnesses examined for the Respondent:
NIL	MWI : Sri K. Venkateswara Rao

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 21 जून, 2004

का. आ. 1697.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उदयपुर मिनरल डवलपमेंट सिंडीकेट (प्रा.) लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में श्रम न्यायालय, भीलवाड़ा के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-6-04 को प्राप्त हुआ था।

[सं. एल०-29011/42/2001-आई.आर. (एम)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 21st June, 2004

S.O. 1697.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal Bhilwara as shown in the Annexure in the Industrial Dispute between the employers in relation to the Management Udaipur Mineral Development Syn. (P). Ltd. and their workman, which was received by the Central Government on 21-6-04.

[No. L-29011/42/2001-IR (M)]

B. M. DAVID, Under Secy.

अनुबंध

औद्योगिक न्यायाधिकरण, भीलवाड़ा (राज.)

औद्योगिक विवाद प्रकरण संख्या : 36/01

विवाद मध्य :

सचिव, खान मजदूर कांग्रेस, गांधी मजदूर सेवालय, भीलवाड़ा

प्रार्थी/यूनियन

एवं

चीफ एग्जीक्यूटिव, मैं. उदयपुर मिनरल डवलपमेंट सिंडीकेट (प्रा.) लि., भलवाड़ा

विपक्षी/नियोजक

उपस्थित

(श्री के. सी. सिंहल, आर. एच. जे. एस., न्यायाधीश)

प्रार्थी की ओर से : श्री छीतर मल सेन, प्रतिनिधि

विपक्षी की ओर से : श्री आर० एस० सौलंकी, अधिवक्ता

पंचाट : दिनांक 6-8-03

भारत सरकार के श्रम मंत्रालय की ओर से अधिसूचना संख्या— दिनांक 10-8-01 के द्वारा निम्न विवाद इस न्यायालय को न्याय निर्णयन के लिए प्रेषित किया गया :—

"Whether the action of the management of Udaipur Mineral Development Syndicate (Pvt.) Ltd., Bhilwara in resorting to lay off 60 workmen employed at Bhagwasa Soap Stone Mines, Dt. Bhilwara w.e.f. 15-5-2000 is legal and justified ? If not, what relief the workmen concerned entitled to".

विवाद प्राप्त होने पर पक्षकारों को नोटिस के द्वारा आहूत किया गया।

दिनांक 10-6-03 को दोनों पक्षों की ओर से एक आवेदन पत्र प्रस्तुत कर प्रकट किया गया कि दोनों पक्षों के मध्य लोक अदालत की भावना से समझौता हो गया है तथा इस संबंध में उनके मध्य कोई विवाद शेष नहीं है। चूंकि दोनों पक्षों के मध्य अब कोई विवाद शेष नहीं रहा है। अत: कोई विवाद नहीं रहा आशय का पंचाट जारी किया जाता है। पंचाट की प्रति भारत सरकार के श्रम मंत्रालय को भेजी जाये।

के. सी. सिंहल, न्यायाधीश

नई दिल्ली, 21 जून, 2004

का. आ. 1698.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उदयपुर मिनरल डवलपमेंट सिंडीकेट (प्रा.) लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में श्रम न्यायालय, भीलवाड़ा के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-6-04 को प्राप्त हुआ था।

[सं. एल०-29011/65/2000-आई.आर. (एम)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 21st June, 2004

S.O. 1698.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Bhilwara as shown in the Annexure in the Industrial Dispute between the employers in relation to the management Udaipur Mineral Development Syn. (P) Ltd. and their workman, which was received by the Central Government on 17-6-04.

[No. L-29011/65/2000-IR (M)]

B. M. DAVID, Under Secy.

अनुबंध

श्रम न्यायालय, भीलवाड़ा (राज.)

श्रम विवाद प्रकरण संख्या : 108/01

विवाद मध्य :

सचिव, खान मजदूर कांग्रेस, गांधी मजदूर सेवालय, भीलवाड़ा

. . प्रार्थी/यूनियन

एवं

चीफ एग्जीक्यूटिव, उदयपुर मिनरल डवलपमेंट सिंडीकेट (प्रा.) लि., भीलवाड़ा

. . विपक्षी/नियोजक

उपस्थित :

(श्री के. सी. सिंहल, आर. एच. जे. एस., न्यायाधीश)

प्रार्थी यूनियन की ओर से: श्री छीतर मल सेन, प्रतिनिधि।

विपक्षी नियोजक की ओर से: श्री आर. एस. सौलंकी, अधिवक्ता

: पंचाट : दिनांक 6-8-03

भारत सरकार के श्रम मंत्रालय की अधिसूचना दिनांक 30-3-01 के द्वारा निम्न विवाद इस न्यायालय को न्याय निर्णयन के लिए प्रेषित किया गया :—

"Whether the action of Chief Executive Agent, Udaipur Mineral Development Syndicate (Pvt.) Ltd., Bhilwara in terminating the services of 53 workmen as per list w.e.f. 27-7-2000 is legal and justified ? If not, to what relief is Union concerned entitled?"

विवाद प्राप्त होने पर पक्षकारों को नोटिस के द्वारा आहूत किया गया।

दिनांक 10-6-03 को दोनों पक्षों की ओर से एक आवेदन पत्र प्रस्तुत कर प्रकट किया गया कि लोक अदालत की भावना से उनके मध्य समझौता हो गया है तथा इस संबंध में अब कोई विवाद शेष नही रहा है। चूंकि पक्षकारों के मध्य अब कोई विवाद शेष नहीं रहा है। अत: कोई विवाद नहीं रहा आशय का पंचाट जारी किया जाता है। पंचाट की प्रति श्रम मंत्रालय को भेजी जाये।

के. सी. सिंहल, न्यायाधीश

नई दिल्ली, 21 जून, 2004

का. आ. 1699.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आन्ध्रा बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय हैदराबाद के पंचाट (संदर्भ संख्या 84/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-6-2004 को प्राप्त हुआ था।

[सं. एल०-12025/1/2004-आई.आर. (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 21st June, 2004

S.O. 1699.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 84/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Andhra Bank and their workman, which was received by the Central Government on 17-6-2004.

[No. L-12025/1/2004-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT :—Shri E. Ismail, B. Sc., LL.B.,
Presiding Officer

Dated the 28th day of May, 2004

INDUSTRIAL DISPUTE L.C.I.D No. 84/2003

BETWEEN:

Shri T. Subramanyam,
S/o T. Gantaiah,
C/o Vedula Srinivas,
Advocate, 62/2RT,
Saidabad Colony,
Hyderabad—59.

AND

1. The Dy. General Manager,
   Andhra Bank, Head Office,
   5-9-11, Saifabad, Hyderabad-4.
2. The Assistant General Manager &
   Disciplinary Authority,
   Andhra Bank, Zonal Office,
   Karimnagar.

.....Respondents

APPEARANCES:

For the Petitioner : M/s Vedula Srinivas, S. Sreenath & A. Prasada Rao, Advocates

For the Respondent : M/s. S. Udayachal Rao, S. Vikramaditya Babu, S. Mujib Kumar & S. Lavanya Lakshmi, Advocates

AWARD

This is a case taken under Sec. 2 A (2) of the I.D. Act, 1947 in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. The brief facts as averred in the petition are : That the Petitioner joined in the Respondent bank as sub-staff, on 2-1-79 at Sultan Bazar, main branch, Hyderabad. The Petitioner was working as sub-staff in the Respondent bank with code No. 6648. Earlier he was dismissed for some alleged irregularities. The Petitioner raised an Industrial Dispute against the said order. The Hon'ble Industrial Tribunal directed the Respondent bank to reinstate the Petitioner into service. A Writ Petition was filed by Management vide No. 3963/98 and the Hon'ble High Court of A.P. has stayed the award on paying 17 BGRR wages.

That as the matter stood thus, the Respondent bank without prejudice to their rights and contentions reinstated the Petitioner as sub-staff on 25-6-99. The Petitioner was directed to report to the Regional Manager, Nizamabad for posting. The Petitioner made a representation requesting the Respondent for posting at Hyderabad on medical grounds. The request was not considered and the Petitioner was retained at Laxmapur Branch, Nizamabad. The Petitioner was charge sheeted on 22-3-2001. The charges were for remaining absent unauthorisedly from duty without permission or sanction of leave. That he was absenting himself from 28-9-2000. He gave an explanation but an enquiry was conducted and he was dismissed on 23-3-2002. He preferred an appeal which was also dismissed. The punishment is gross disproportionate. Hence, the dismissal order dated 6-8-2002 may be set aside and the Petitioner may be directed to be reinstated into service.

3. A counter was filed stating that since the beginning of service he was in the habit of absenting from duty unauthorisedly. He was received a charge sheet for he was absenting from 16-9-85. He also attempted to defraud the bank while he was working at Sultan Bazar branch of the bank. A charge sheet was issued. They wanted to impose the punishment of dismissal. Hence, they awarded the penalty of stoppage of two annual increments. Anyway, number of punishments are initiated. That during the period from 3-9-85 to 2-5-87 he was absent unauthorisedly for 212 days. He was charge sheeted for the same. He was allowed to join duty on 3-9-87. Again after a lapse of two days, he again abstained from duty unauthorisedly. Due to his absence for more than 90 days continuously it was justly presumed by the Management that he was not interested in serving the bank. There was no response since he was treated as voluntarily retired from banks service. He filed ID NO. 36/94. He was directed to be reinstated. The bank filed a Writ Petitioner which was stayed on compliance of 17 B. Even after his reinstatement he has not mend his habit of absenting from duty. He was charge sheeted on 15-9-2000 for his unauthorized absence for total period of 56 days from 31-1-2000 to 14-6-2000. He was imposed with minor penalty of stoppage of one annual increment for a period of six months, vide order dated 8-12-2000. Again he abstained from duty from 28-9-2000. Again he was charge sheeted dated 22-3-2001. He did not give any explanation. Hence an enquiry committed was constituted. A notice was served on the Petitioner. The Petitioner participated in the enquiry. That he attended personal hearing. He was dismissed. The appeal was also confirmed.

4. The counsel conceded that the domestic enquiry is validly conducted and arguments were heard under Sec. 11A.

5. It is argued by the Learned Counsel for the Petitioner that this Petitioner has been working from 2-1-79 and he was dismissed on 6-8-2002. Hence, some sympathy may be shown to him because afterall it is only absenteeism.

6. The Learned Counsel for the Respondent submits that it is not only absenteeism, he was guilty of fraud also. He was excused. The writ is still pending for his previous acts treating him as voluntarily retired. He again not mend his ways. Therefore, no sympathy may be shown to him.

7. No doubt, the quality of mercy is not strained. But yet, if mercy shown beyond any reasonability then perhaps it may amount to injustice. The dismal record of the Petitioner shows how one when they get the job the persons take it as their birth right and take it for granted as whatever they do, they will continue in their service. Already a writ is pending. yet a dismal record of his absence speaks volumes that he is not at all interested. Continuing such persons in service amounts to encouraging such absenteeism. I can understand if it is once or twice. This absenteeism is for number of times in one way but reading the counter he was charge sheeted on 11-11-85 for his unauthorized absence again he submitted fictitious counter foil with cash receipt stamp. Again he was absent unauthorisedly from 1985 to 1987 for 212 days. Again a lenient view was taken and he was allowed to join. Again he was absent. Ultimately he was treated as voluntarily retired. The same was challenged before the Industrial Tribunal. He was asked to be reinstated. The bank has filed a writ challenging the award of the Industrial Tribunal which is still pending. Again he was asked to get in. Again he was absent from 31-1-2000 to 14-6-2000 for 56 days for which he was imposed minor penalty of stoppage of one increment. Again he absented for duty form 28-2-2001. So I am afraid that giving him reinstatement is actually allowing, encouraging others to adopt the same method but as in the previous cases without enquiry Petitioner was treated as voluntarily retired, here, a regular enquiry has been conducted and it was conceded that the enquiry is validly conducted. Hence, the only relief which is reasonable according to me is that the dismissal order dated 6-8-2002 is modified into one of compulsory retirement on 6-8-2002.

Award passed accordingly. Transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 28th day of May, 2004.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner:	Witnesses examined for the Respondent:
NIL	NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 21 जून, 2004

का. आ. 1700.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार चेन्नई पोर्ट ट्रस्ट के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय चेन्नई के पंचाट (संदर्भ संख्या 82/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-5-2004 को प्राप्त हुआ था।

[सं. एल-33011/2/2002-आई.आर. (एम)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 21st June, 2004

S.O. 1700.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 82/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Chennai as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Chennai Port Trust and their workman, which was received by the Central Government on 20-5-2004.

[No. L-33011/2/2002-IR (M)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

MONDAY, THE 5TH APRIL, 2004

PRESENT : K. JAYARAMAN, Presiding Officer

INDUSTRIAL DISPUTE NO. 82/2002

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), between the Management of Chennai Port Trust and their workman)

BETWEEN

The General Secretary, The Madras Port Trust Employees Union, Chennai : I Party/Claimant

AND

1. The Chairman, Chennai Port Trust, Chennai
2. The Secretary, Ministry of Shipping & Transport, New Delhi.

: IInd Party/Respondent

**2nd Respondent is impleaded as per order in I.A. No. 58/2003

APPEARANCE:

For the Claimant : M/s. R. Ganesan & V. Gangatharan, Advocates

For the Respondent No. 1 : Mr. J. Sathyanarayana Prasad, Advocate

For the Respondent No. 2 : Ms. K. Akhilandeswari, ACGSC

AWARD

The Central Government in the Ministry of Labour vide Notification Order No. L-33011/2/2002-IR(M) dated 12-8-2002 has referred the following dispute to this Tribunal for adjudication :

"Whether the demand of the Madras Port Trust Employees Union for redesignation of Diploma Holders in the Chennai Port Trust as Junior Engineers Gr. II/Gr. I and for revision of pay scales is justified?"

2. After the receipt of the reference, it was taken on file as I.D. No. 82/2002 and notices were issued to both the parties and both the parties entered appearance through their advocates and filed the Claim Statement and Counter Statement respectively. On the side of the I Party/Union, a petition was filed before this Tribunal to implead the Secretary, Union of India, Ministry of Shipping and Transport, New Delhi as 2nd Respondent in this dispute and the same was allowed by this Tribunal vide I.A. 58/2003. Thereafter the I Party Union filed the amended Claim Statement impleading the Secretary, Ministry of Shipping and Transport, New Delhi as 2nd Respondent and the 1st Respondent/Management also filed their additional Counter Statements.

3. The allegations in the Claim Statement and Addl. Claim Statement of the Petitioner Union are briefly as follows :—

The Petitioner Union has raised this dispute on behalf of the diploma holders belonging to Class III employees consisting of Special Mechanics, Supervisor Grade II and Supervisor Grade I in the Electrical and Mechanical Departments. The appointment for the above categories of Special Mechanic and Supervisor Grade II are that the incumbent must be in a possession of Diploma in Mechanical/Electrical/Elctronics Automobile Engineering of State Board of Technical Education. Though the responsibilities are same for the two posts, they are having different scales of pay, as such, principle of equal pay and equal work will apply to the posts of Special Mechanic and Supervisor Grade II. Secondly in all the Central Govt. institutions and in some ports, diploma engineers are called as Junior Engineers. In the wage settlement under Section 12 (3) of the I.D. Act dated 6-12-94, there was a clause that the problems in respect of class IV and III employees can be locally discussed and settled. As such, as per the instructions of Ministry, a Committee was formed consisting of Chairman, Member Secretary and Two Members. And the Indian Port Association Committee made its recommendations for re-designating the posts of special mechanic and supervisor

grade II as Junior Engineer II and for designating the posts of Supervisor Grade I as Junior Engineer I. They have also recommended for the revision of scales of pay. There are 149 special mechanics, 27 supervisor Grade II and 109 Supervisor Grade I in the Respondent/Management. The Indian Port Association decided that if the recommendation were effected, the financial commitment will be only marginal. Further the I.T.I. Grade III technicians carry the same scale of pay as Special Mechanics, though the Special Mechanics are Diploma Engineers, it is an automatic promotion for ITI/NAC holders in Grade III technicians. But, there is no automatic promotion for special mechanics who are diploma engineers. Therefore, the redesignation of diploma engineers as Junior Engineers Grade II and I is necessary and their pay scales are to be revised. Though their demands are genuine, and recommendations were made by Indian Port Association in 1996 itself, it was not implemented till now. The Petitioner Union issued a strike notice under Section 22 of Industrial Disputes Act, 1947 for this purpose. In that, conciliation proceedings were initiated before the conciliation officer. The Port Trust management in the conciliation proceedings has also conceded that the demands are genuine but they said the matter is pending with the Govt. Therefore, the Petitioner Union prays that the redesignation of diploma holders as Junior Engineer Grade II & I and revision of their scales of pay should be implemented and the order has to be effected from 1-1-93.

4. As against this, the 1st Respondent in its Counter Statement alleged that it is not true that two posts namely Special Mechanics and Supervisor Grade II in Electrical and Mechnical Departments of the Respondent have the same responsibility. Special Mechanics were appointed mainly for operation of the various sophisticated equipment and for doing quality maintenance jobs on sophisticated equipments as such it is not correct to say that both these categories are performing exactly the same task and duties as Supervisor Grade II/Grade I. Further, the Special Machanics are not entrusted with supervisory duties, though the qualification of Special Mechanics may be the same. Further, the Special Mechanic is the feeder post for the promotional post of Supervisor Grade II, hence the special Mechanics on promotion to the post of Supervisor Grade II should shoulder higher responsibilities in the promotional post of Supervisor Grade II and therefore, the request of the Union that in these two posts, they are doing the same type of job and they should be paid equally for equal work is not correct. No doubt, the Ministry have conveyed their decision to refer the above issue and all the representations received from various Association on similar issues to the Managing Director, Indian Port Association to examine and submit a consolidated report to the Ministry to implement the same after examination by the Govt. The Committee has also submitted its report to Govt. alongwith its recommendations which includes the re-designation of the posts of Special Mechanics and Supervisor Grade II as Junior Engineer Grade II and Supervisor Grade I in the scale of pay of Rs. 2600-4940 and Rs. 2750-5690 respectively. But the recommendation of the committee is only recommendatory in nature and the recommendations contained in the report can be implemented only after the report is accepted by the Govt. as referred to above and the Govt. is now examining the recommendations contained in the Committee's report in consultation with the Ministry of Finance and its final orders are still awaited. The comparison given by the Petitioner Union is not correct one, further the comparison between the ITI/NAC holding Grade III technicians with diploma engineers who are appointed as Special Machanics is not at all relevant for the issue in question. Further, the Port Trust cannot be at fault for the existing scale of pay prescribed for the post of Special Mechanics. The Port Trust cannot straight away implement the recommendations of the Indian Port Association Committee unless the approval of the Govt. is received. Therefore, the contention of the Petitioner that the power to implement the recommendations of Indian Port Association Committee is within the power of Port Administration is not correct. Therefore, the Respondent prays that unless the final decision of the Govt. on the recommendations of the Committee and date of its implementation is effected, the question of redesignating the Special Mechanic and Supervisor Grade II with retrospective affect from 01-01-93 does not arise now. Hence, the Respondent prays that the claim may be dismissed with costs.

5. After the amended Claim Statement filed by Petitioner Union, which includes the Secretary, Ministry of Shipping & Transport as 2nd Respondent, the 1st Respondent in the additional Counter Statement has alleged that the Channai Port Trust could not redesignate the Special Mechanics and Supervisor Grade II and I as Junior Engineers because the Chennai Port Trust does not have scale of pay of Rs. 6170-11975 which is the fitment scale for Supervisor Grade I. However, it is available in the wage settlement dated 2-8-2000 and secondly, the Ministry's instructions indicated that while re-designating the Special Mechanics and others, the Port should not incur additional costs. Therefore, the 1st Respondent could not redesignate the employees without financial implication because the Special Mechanics and Supervisor Grade II who are in the scales of Rs. 4300-120-5260-130-8120 and Rs. 5000-150-5450-200-10850 respectively and on redesignation as Junior Engineer are to be fitted in the scale of pay of Rs. 5500-200-6100-220-11380. When these two categories of employees are given different higher scales, there will be an additional cost to the Port Trust. Since the Port Trust is to be incurred with a marginal of Rs. 8.8 lakhs per annum approximately, the Port Trust has requested the Ministry of Shipping to issue orders permitting the Chennai Port Trust for adopting the same and as the sanction is obtained from Ministry of Shipping, the Chennai Port Trust will issue orders implementing the directions contained in the said letter,

but will take effect only prospectively. Hence, the Respondent prays that the claim may be dismissed with costs.

6. In the Counter Statement filed by the 2nd Respondent, it is alleged that in view of the long pending issues of the Diploma Engineers in all Major Port Trusts of India, the Government of India issued a number of circulars bearing No. C-13019/24/87-PE-II dated 8-6-91, C-13019/30/92-PE-II dated 6-6-94, C-13019/20/94-PE-II dated 28-6-94 and C-13019/20/94-PE-II dated 11-10-94 extending certain benefits to diploma/degree holder engineers in major ports. This cadre restructurting prosposal inter alia envisages redesignation/upgradation of posts, manner of recruitment and promotional avenues involving policy decisions and financial implications. Therefore, the proposal needs consultations/concurrence with the Ministry of Finance. Even in spite of presistent efforts, it has not been possible so far to finalise the proposal. Considering that finalisation of cadre restructuring proposal is taking time, it was felt that promotion of degree/diploma holders, if due should not wait as there was no clear instructions on the issues like promotional avenues for diploma/degree holders in view of Govt. letter No. C-13019/11/96-PE-II dated 8-3-2000. The matter was reviewed recently and it was decided to withdraw the Ministry's letter No. C-13019/11/96-PE-II dated 8-3-2000 vide letter No. C-13019/11/96-PE-II dated 24-12-2002 and restore the position available before 8-3-2000. The recommendations of Indian Port Association Committee are not mandatory in nature and only recommendatory. Therefore, the recommendation is under consideration of the Ministry. Hence, the 2nd Respondent prays that this Tribunal may pass an award it may deem fit and proper in the circumstances of the case.

7. In these circumstances, the points for my determination are—

(i) "Whether the demand made by the Petitioner Union for re-designation of deploma holders as Junior Engineers Grade-II/I and for revision of pay scales is justified?"

(ii) "To relief they are entitled"?

Point No. 1 :—

8. In this case, on the side of the Petitioner Union 12 documents were marked as Exs. W1 to W13 and on the side of the Respondent 3 documents were marked as Exs. M1 to M3 and no one was examined as a witness on either side.

9. The Petitioner's contention in this case is that the diploma engineers, belonging to class III employees consisting of Special Mechanics, Supervisor Grade II and Supervisor Grade I are in the Electrical and Mechanical departments. It is the further contention of the Petitioner that for all these categories, the incumbent must be in a possession of diploma in Mechanical/Electrical/Electronics/Automobile Engineering of State Board of Technical Education. It is the further contention of the Petitioner that the two posts namely Special Mechanics and Supervisor Grade II though they have same responsibilities, but the said two posts have different scales of pay and as such the principles of equal pay for equal work will apply to the above two categories of posts. Further, it is the contention of the Petitioner that in all the Central Govt. institutions and also in some Ports in India, Diploma Engineers are called as Junior Engineers. In the wage settlement under Section 12(3) of Industrial Disputes Act dated 6-12-94, there was a clause that the problems in respect of classes IV and III employees can be locally discussed and settled. The Ministry of Surface and Transport also instructed the Indian Port Association by letter dated 20-7-95 to re-examine the problems of degree/diploma engineers and to submit their report. In view of the said letter, the Indian Port Association formed a Committee consisting of Chairman, Member Secretary and Two Members. The Indian Port Association Committee made its recommendations for re-designating the posts of Special Mechanics and Supervisor Grade II as Junior Engineer Grade II and for designating the posts of Supervisor Grade I as Junior Engineer I and also they have recommended to revise the scales accordingly. But, even though the Indian Port Association has recommended for re-designation and also re-fixing of scales of pay of diploma holders, the said proposal has not been implemented till now. Therefore, the Petitioner Union has issued a strike notice under Section 22 of the Industrial Disputes Act, demanding re-designation of Special Mechanics and Supervisor Grade II as Junior Engineer Grade II and Supervisor Grade I as Junior Engineer Grade I and also revising their pay scales on 18-11-2000. In which, conciliation was also made, but it was ended in a failure. But, even in that conciliation, the Port Trust has accepted that the Indian Port Association has recommended for re-designation and re-fixing the pay of diploma holders and they are awaiting for the sanction of the Ministry and therefore, they cannot implement the same immediately. On behalf of the Petitioner, it was contended that it is well within the power of Port Administration to implement the recommendations of Indian Port Association and therefore, they have raised the dispute before this Tribunal.

10. As against this, the 1st Respondent contended that in the 1st Counter Statement contended that it cannot be said that the two posts namely Special Mechanics and Supervisor Grade II in Electrical and Mechanical Departments are having the same responsibilities. It is contended that Special Mechanics were appointed mainly for operation of the various sophisticated equipment and for doing quality maintenance jobs on sophisticated equipments, whereas the Special Mechanics are not entrusted with supervisory duties, though their qualification of Special Mechanics may be the same as that of the Supervisor Grade II. But, I find this contention of the 1st Respondent has no substance because, on behalf of the Petitioner Union, it was contended that even for the supervisory staff posting for operation and maintenance for every day's

work, charge handed over to the Special Mechanics by the Supervisors and again it was handed over by the Special Mechanics to the Supervisor Grade II and this work was done as a day to day work and as such it cannot be said that Special Mechanics are not entrusted with supervisory duties. Therefore, I find no substance in the contention of the learned counsel for the Respondent.

11. The learned counsel for the Respondent relied on the rulings reported in 1982 3 SCR 298 RANDHIR SINGH Vs. UNION OF INDIA & ORS. wherein, the Supreme Court while considering the Driver/Constable in Delhi Police Force under Delhi Administration has given a finding that *"the Petitioner and other driver constables are getting lesser pay than the drivers in Railway Protection Force and other Govt. institutions, therefore, they made representation to the authorities wherein they stated that their pay scales should be the same as the drivers of heavy vehicles in other departments, and as their claims for better scales of pay did not meet with success, the present application has been filed by the Petitioner for the issue of Writ under Article 32 of the Constitution."*

12. The learned counsel for the Petitioner argued that the Supreme Court has held that equal pay must be given for equal work and the counsel for the Petitioner relied on the ruling 1986 I LLJ 134 DHIRENDRA CHAMOLI AND ANOTHER Vs. STATE OF U.P., wherein the Supreme Court while considering the employees engaged as casual worker on daily wage basis and not paid the same salary and allowances as Class IV employees. The Supreme Court held that *"the argument envisaged in the Counter Affidavit is that since there are no sanctioned posts to which regular appointments can be made, the casual employees employed by different Nehru Yuvak Kendras cannot claim to receive the same salary and perquisites as class IV employees appointed regularly to sanctioned posts. But, while raising the argument, it is conceded in the counter affidavit that the persons engaged by Nehru Yuvak Kendras perform the same duties as is performed by Class IV employees appointed on regular basis against sanctioned posts. If that be so, it is difficult to understand how the Central Govt. can deny to these employees the same salary and conditions of service as Class IV employees regularly appointed against sanctioned posts. It is peculiar on the part of the Central Govt. to urge that these persons took up employment with the Nehru Yuvak Kendras knowing fully well that they will be paid only daily wages and therefore, they cannot claim more. This argument lies ill in the mouth of the Central Govt. for it is an all to familiar argument with the exploiting class and a welfare state committed to a socialist pattern of society cannot be permitted to advance such an argument"* and upholding the contention of the Petitioner, the Supreme Court has held that they are entitled to pay as that of Class IV employees.

13. The counsel for the Petitioner further relied on the rulings in W. A. No. 1251 of 2000 by the Division Bench of the Madras High Court, wherein the Division Bench of the Madras High Court while considering the Assistant Engineers of Diploma Holders held that "the persons/ Petitioners concerned Promotion will be granted to them after making a common seniority list of Assistant Engineers who are graduate engineers and who are diploma holders also and further held that diploma holders are entitled to promotion on the basis of common seniority in pursuance of the decision as per guidelines provided by the Cental Govt. and the matter is pending for a very long time, the port witll be well advised to finish all these exercises within six months from to day" He further argued that in the same circular, the Ministry has also issued guidelines to implement the redesignation and also re-fixing of their scales of pay but still the Port Trust has not implemented the same because they are awaiting the sanction of the Govt. and also from the Ministry of Finance. Therefore, the counsel for the Petitioner prays that an award may be passed in favour of the Petitioner Union as prayed for.

14. As against this, the learned counsel for the Respondent argued that no doubt the Indian Port Association has recommended in their report that diploma holders' re-designation and re-fixation of their pay were to be made. But the said report is only on recommendatory capacity and the matter is pending with the Ministry and the Ministry has not sanctioned the financial burden and therefore, they have not implemented the recommendations of the Indian Port Association and further contended that even assuming for an argument sake that the Govt. will implement the recommendations of Indian port Association, it must be only prospectively and not retrospectively.

15. But, as the learned counsel for the Petitioner pointed out that the Indian Port Association has recommended this restructuring and re-designating the posts even in the year 1996 and still the Govt. is considering the proposal without passing any final orders, I find, there is no valid reason for rejecting the request of the Petitioner Union, Further, on behalf of the Petitioner Union, it is contended that there are about 149 Special Mechanics, 29 Supervisor Grade II and 109 Supervisor Grade I are there and the incumbents of posts have been getting minimum basic of Rs. 5500/- and Rs. 6170/- and therefore, even if the recommendations were effected, the financial commitment will be only marginal and in such circumstances. I find there is no point in the contention of the learned counsel for the Respondent that still the Ministry is considering the proposal and the matter is pending with the Ministry of Finance. It is well established that while the qualification and also the responsibility of two cadres namely Special Mechanics and Supervisor Grade II are the same, therefore, I find the re-designation requested by the Petitioner Union is a valid one. Further, the Indian Port Association has also recommended for re-designation and also for re-fixing the salary of the above categories. Under such circumstances, the prayer of the Petitioner Union is to be accepted and I further find that the inordinate delay on the part of the Port

Trust and also the Ministry of Shipping is arbitrary and violation of principles of natural justice.

16. Again, the learned counsel for the Respondent argued that even assuming for an argument sake without conceding that the salary in new scales will be fixed under Rule 22 (a) (i) and (ii) and they further contended that as soon as the sanction is obtained from the Ministry of Shipping, the Respondent will issue necessary orders and it will take effect only prospectively. But no reason was stated by the Respondent for giving the prospective effect, since it is a long pending and sine the Indian Port Association has recommended for re-designation and restructuring of pay scales of the diploma holders, I find the orders should be effected retrospectively and not prospectively. Hence, I find this point in favour of the Petitioner Union.

Point No. 2 :

The next point to be decided in this case is to what relief the Petitioner is entitled ?

17. In view of my foregoing findings, I find the Respondents have to implement the demand of the Petitioner Union for redesignation and for refixation pertaining to Diploma holders in the Respondent/ Management retrospectively from 01-01-1997. Ordered accordingly. No Costs.

18. The reference is answered accordingly.

(Dictated to the P.A. transcribed and typed by him, corrected and pronounced by me in the open court on this day the 5th April, 2004)

K. JAYARAMAN, Presiding Officer

Witnesses Examined :
On either side : None

Documents Marked :

For the I Party/Claimant :

Ex. No.	Date	Description
W1	24-03-78	Xerox Copy of the memorandum of settlement between the parties to the dispute.
W2	00-12-96	Xerox copy of the Indian Port Association Recommendations.
W3	14-08-98	Xerox copy of the letter regarding approyal of Govt. for Calcutta Port.
W4	18-11-00	Xerox copy of the strike notice.
W5	08-12-00	Xerox Copy of the letter from the Respondent to Assistant Labour Commissioner (Central) regarding Strike notice issued by petitioner Union.
W6	18-02-01	Xerox copy of the board's resolution 192/2001.
W7	01-04-02	Xerox copy of the letter from Indian Port Association to Director, Ministry of Shipping, New Delhi.
W8	09-09-02	Xerox copy of the statement showing details of Supervisory staff posted for shipping operation.
W9	24-12-02	Xerox copy of the letter from Government of India, Ministry of Shipping to all major port trusts.
W10	Nil	Xerox copy of the manner of appointment of Supervisor Grade I and II in Civil Engineering Department.
W11	Nil	Xerox copy of the manner of appointment of Special Mechanics Supervisor Grade II & I in E & M department.
W12	Nil	Xerox copy of the M P T Act Section 23 & 27 Draft.
W13	19-02-2003	Xerox copy of the letter from the Petitioner Union to the Respondent/ Management.

For the II Party/Management :

Ex. No.	Date	Description
M 1	24-12-02	Xerox copy of the letter from the Ministry of Shipping to Chennai Port Trust.
M2	24-01-03	Xerox copy of the letter from the Ministry of Shipping to Chennai Port Trust.
M3	28-05-03	Xerox copy of the tetter from the Ministry of Shipping to Chennai Port Trust.

नई दिल्ली, 21 जून, 2004

का०आ० 1701.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंडिकेट बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय बैंगलोर के पंचाट (संदर्भ संख्या 34/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-6-2004 को प्राप्त हुआ था।

[सं. एल-12011/64/2002-आई. आर (बी. II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 21st June, 2004

S.O. 1701.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 34/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore as shown in the Annexure, in the Industiral Dispute between the employers in relation

to the management of Syndicate Bank and their workman, which was received by the Central Government on 17-6-2004.

[No. L-12011/64/2002-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,

III Main, III Cross, II Phase, Tumkur Road, Yeshwanthpur, Bangalore-560022.

Bangalore 4th June, 2004

PRESENT

Shri A. R. SIDDIQUI
Presiding Officer

C. R. No. 34/2002

IPARTY	IIPARTY
The General Secretary, Syndicate Bank Staff Association, Anand Plaza, IInd Floor, Near Anand Rao Circle, Bangalore - 560009	The Zonal Manager, Syndicate Bank, Zonal Office, Syndicate Bank Building Gandhinagar, Bangalore -560009

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order. No. L-12011/64/2002-IR (B-II) dated 10th July, 2002 for adjudication on the following schedule :

SCHEDULE

"Whether the action of the management of Syndicate Bank is justified in terminating the services of Shri P. V. Jagannath, Clerk, Basavakalyan Branch, by way of compulsory retirement from services of the Bank? If not, what relief the workman is entitled to?"

2. The first party union through its Joint Secretary has filed its Claim Statement with the averments that Shri P.V. Jagannath (herein after referred to as the workman joined Second party Bank (herein after called as Management) as a Clerk on 4th February, 1978 and worked at various branches/offices of the management in Malleshwaram, Zonal Office, V.V. Puram, P. C. Road, Chickpet and Basavakalyan. When there was a shortage of staff at Port Blair (Andaman and Nicobar Islands) the workman volunteered to serve at this for off place for a period of more than $2\frac{1}{2}$ years; that while working at Basaakalyan branch he was charge sheeted for certain misconduct vide charge sheet dated 15-9-1999 alleging that he absented from duties for 81 days between the period from 16-8-97 to 24-9-98 while working at Chickpet Bangalore and Basavakalyan branches of the management. It was alleged that the workman earlier was charge sheeted for unauthorized absence on various occasions and he repeated the misconduct once again without showing any improvement in his attitude. He violated the leave rules amounting to gross misconduct of doing an act prejudicial to the interest of the bank vide clause 19.5(j) of the Bipartite Settlement; that the workman denied those charges on the ground that he was absented from duty on account of ill dealth and that he had observed the leave rules by submitting leave application along with medical certificates.

3. He further contented that he had been attending the bank regularly since October, 1998, however, the disciplinary authourity ordered for a departmenal enqulry to be held at zonal office, Bangalore on 3-12-1998.

4. That during the course of enquiry the sole management witness, who was the Manager at Basavakalyan Branch, confirmed during his cross examination that workman was regular in this duties since October, 1988; that the workman was absent from duty for 42 days from 28-8-97 to 30-8-1997 and from 1-12-97 to 31-12-97 while working at Chickpet Bangalore Branch, on account of his ill health and he was absent from duty from 3-9-98 to 24-9-98 while working at Basavakalyan Branch on account of his illness and also to see his ailing mother; that his absence was treated as unauthorized as per Ex. MEX-1 and MEX-2 even though he had sufficient leave to his credit; that the reasons for his absence on various occasions was medical and that as far as the work aspect was concerned, the workman was a very good worker and the Enquiry Officer in his report dated 31-12-99 has observed that, the only point in favour of the CSE is that he was not absented unauthorisedly after October, 1998 and the Disciplinary Authority also in its proceedings dated 31-3-2000 at page 4 observed that; it may be true that CSE might have assisted the branch in recovering loan. In spite of all these favourable points, the Disciplinary Authority however, confirmed the punishmeant of compulsory retirement from the services of bank on 4-4-2000 and his appeal against the punishment order was also rejected in a mechanical way under the heading "Grounds". It was averred that the misconduct was committed by the workman during the period 16-8-1997 to 24-9-98 and wherein charge sheet dated 15-9-1999 was served on him in October, 1999, that the allegation against the workman that he has not improved despite the opportunity given to him is not correct keeping in view the fact that the workman was very regular in his duties for about a period of more than one year from the date of charge sheet and then till the date of his compulsory retirement and this fact has been acknowledged by the Enquiry Officer and the Disciplinary Authority, themselves.

5. That the workman cannot be held guilty of gross misconduct as he submitted medical certificates and remained absent on account of his ill health and not with any intention to do any act prejudicial to the interest of the bank. That the workman was victimized and is singled out in as much as the other employees who absented from

duty days together and one employee who was absent for about 1000 days was not even charge sheeted. Therefore, the action taken against the workman in retiring him compulsorily, was bad in law resulting into his economic death. The Domestic Enquiry conducted against the workman was also challenged on the ground that there was no sufficient and proper opportunity given to the workman. Findings of the Enquiry also were assailed contenting that they are perverse and that Disciplinary Authority did not apply its mind properly in imposing the aforesaid punishment etc.

6. The management filed its counter statement challenging the claim of the workman as false and not maintainable under the law or on facts. It contented that the first party employee was in the habit of absenting frequently from duties, unauthorisedly. He was not following the leave rules of the mangement. He was issued charge sheet six times on 13-6-91, 16-8-91, 2-1-95, 14-9-95, 26-10-96 and 6-10-1997 for the misconduct of absence without leave and irregular attendance for which he was imposed with a punishment of "warning" etc.

7. Inspite of showing leniency again and again to the workman he did not imporve his conduct and once again, he remained unauthorisedly absent for 81 days for the period betweeen 16-8-1997 and 24-9-98. The workman did not improve his conduct and pursued his habit in remaining unauthorisedly absent for which the seventh time present charge sheet was issued on 15-9-1999. The workman in reply to the charge sheet admitted the fact that he was absent for 81 days from 16-8-97 to 24-9-98 as mentioned in the charge sheet but denied having committed gross misconduct of doing acts prejudicial to the interest of the bank. Since his conduct was of repetitive nature and the reply submitted by the first party workman was not convincing the Disciplinary Authority and the management by exercising his powers ordered for a departmental enquiry and appointed Shir M. S. Dwaraganath as Enquiry Officer to enquire into the allegations that are levelled against the concerned workman in the charge sheet dated 25-9-1999.

8. That there was absolutely no merit in the contention of the concerned workman that he was regular in his attendance since October 1998 as it is not subject mattter of the present case in hand. It is well settled position of law that leave is not a matter of right of an employee. It is the dutly of the employee to inform the management and to adhere to the leave rules of the Management. The Second Party bank being a custodian of public money and a number of customers come every day to the branches of the bank for various transactions. The second party bank being in the public utility service has provide the services to its customers through its employees. The bank cannot affored to keep on its pay roll an employee who is regularly irregular in attendance since it affects the interest of the Bank.

9. The Disciplinary Authority offered a personal hearing to the concerned workman. The concerned workman along with his Defence Representative appeared for personal hearing and submitted that he had realized his mistake and there was some delay on his part in submitting the leave applications. The Disciplinary Authority, after cereful perusal of all the materials placed before him, observed that inspite of earlier charge sheets and punishments, the concerned workman had not reformed himself. The Disciplinary authority observed that the concerned workman had already exhausted the sick leave limit of 540 days and had also availed extra ordinary leave on loss of pay for 124 days besides the total unauthorized absence of 745 days and that there was no chage in his attitude and had no respect for the leave rules of the Management.

10. That the grounds that are urged in the Claim Statement are all baseless and liable to be rejected. There is no legal bar to issue a Charge Sheet within the stipulated time. Moreover no prejudice is caused to the concerned workman for issuing the charge sheet in 1999. The management has rightly charge sheeted the concerned workman under clause 19.5(j) of the Bipartite Settlement for remaining absent unauthorisedly which is an act prejudicial to the interest of the bank.

11. That the 2nd Party Bank is the custodian of the public money. The Banking Industry and all its components must strive towards excellence, so that the Banking Industry rises to higher levels of endeavour and achievement. Excellence is not achieved except with a deep sense of commitment to work and discipline. Diluting discipline and condoning indiscipline would only destroy motivation. The management has imposed a proper punishment for the concemed workman for the grave misconduct committed by him. The acts committed by the first party not only spoiled the image of the management but also hampered the discipline among the other employees of the bank. The punishment given to the concerned workman is very much in accordance with the gravity of misconduct committed by him and the same is not to be interfered by this court. Therefore, the management prayed that the reference may be rejected and award may be passed in favour of the management.

12. When the matter was posted to record the evidence on DE issue, the learned counsel for the first party filed a memo conceding the fairness of DE proceedings and therefore, my learned predecessor recorded a finding to the effect that the DE was 'fair and proper'. The management in this court filed 23 documents and they were marked as Ex. M1 to M23 with consent of learned counsel for the first party. They are as follows :—

1. Charge Sheet dated 15-9-1999
2. Letter dated 1-1-1999
3. Letter dated 12-10-99

4. Letter dated 15-10-1999
5. Appointment of the Enquiry Officer
6. Enquiry Notice dated 4-11-1999
7. Appointment of the management representative
8. Letter dated 11-11-1999
9. Letter dated 15-11-1999
10. Enquiry Proceedings
11. Enquiry Report
12. Letter dated 14-1-2000
13. Letter dated 3-2-2000
14. Letter dated 5-2-2000
15. Letter dated 12-2-2000
16. Letter dated 16-2-2000
17. Proceedings of Disciplinary Authority
18. Letter dated 28-2-2000
19. Letted dated 1-4-2000
20. Proceedings of the Disciplinary Authority
21. Proceedings of the Appellate Authority
22. Letter dated 3-12-1999
23. Exhibits marked in the Enquiry.

13. Therefore, in the light of the finding and DE issue, the only point remained to be considered in the first instance is as to whether the Enquiry findings holding the workman guilty of the misconduct suffered from any perversity and that the impugned punishment order was the result of any victimisation or unfair labour practive by the management.

14. Learned counsel for the first party submitted his written and oral arguments and he challenged the enquiry findings as perverse on the ground that in the face of the oral and dicumentary evidence produced by the respective parties and the admissions made by the management witness in his cross examination that the first party remained absent from duty for the period in question not willfully but on account of his ill health and that his defence was supported by medical certificates submitted along with leave applications, the enquiry findings holding the workman guilty of unauthorized absence suffered from perversity. He submitted that the statement of the first party before the Enquiry Officer that he remained absent from duty due to his illness and sometimes to attend his ailing family members and submitted leave applications along with medical certificates remained, uncontroverted, there being no cross examination on behalf of the management. He nextly contentrd that even if it is taken proved that the first party remained absent from duty without submitting his leave application, getting the leave sanctioned before he proceeded on leave and that he submitted the Medical Certificates subsequently, it cannot be said that he remained unauthorisedly absent from duty willfully and that the fact of not submitting the leave applications in time or the medical certificates at the most can be said to be a technical lapse on his part and therefore, the punishment of compulsory retirement was not called for. He submitted before the court a decision of Hon'ble High court in WA 3985-86/2002 to highlight the point that is the misconduct established was technical in nature then the punishment of dismissal was not proper and proportionate with gravity of alleged misconduct. His next argument was that there were many mitigating circumstances not to resort to severe punishment. Firstly, for the reason that for his unauthorized absence from 16-8-1997 to 24-9-98 i.e. for about 80 days, the charge sheet dated 15-9-99 was served on the first party in October 1999 thereby causing the delay of about more than one year. He nextly contented that from October, 98 onwards till the first party was served with charge sheet, he was very regular in his duty and he was also regularly attending his duty up till April 2000, the date on which he was seived with the impugned punishment order. He contented that this fact has been admitted by the Enquiry Officer himself in his report. He contented that the first paety was a sincer and hard worker, the fact admitted by the Manager, MW1 before the Enquiry Officer not to be disputed by the Disciplinary Authority, which on the other hand appreciated the work of the first party in making recovery of the loan amount. It is also not disputed that the first party for about a period of 2-1/2 years worked at places like Port Blair in Andaman & Nicobar Islands, Voluntarlly. Therefore, his submission was that in the light of these mitigating circumstances and the subsequent conduct of the first party in not remaining absent from duty unauthorisedly for a period of more than 18 months must have been taken into account in handing down the punishment of compulsory retirement, as he deserved lenient view.

15. As far as the merits of the case, learned counsel for management argued that there is a clear finding of the Enquiry Officer that it was a clear cut case of unauthorised absence, undoubtedly there being no leave applications filed by the first party, not getting leave sanctioned in time and that the Medical Certificates were only submitted along with leave application, that too after the lapse of number of days after reporting for duty. Therfore, assuming for a moment that he suffered from illness, it cannot be said that he did not remain unauthorisedly absent since he submitted the medical certificates, subsequentlly. Therefore he argued that there can be no hesitation to hold that charge of misconduct alleged against workman has been proved.

16. Learned counsel for the management vehemently argued that undisputedly the workman earlier to the charge sheet on hand was charge sheeted six times for his unauthorized absence and after due enquiry into the matter he was punished on 4 occasions by just giving a "warning" and on the last two occasions he was punished with stoppage of next one increment for six months each.

17. He contended that keeping in view the conduct of the first party having been punished by the management not once or twice but from time to time on six occasions, that too, for the very misconduct of unauthorized absence prejudicial to the interest of the bank, his subsequent conduct from October, 1998 onwards being regular in duty and not committing any such misconduct carries no significance so as to warrant lenient view. In support of his argument, learned counsel for the mangement that an application for leave must be made before workman proceeded on leave that too getting leave sanctioned or otherwise the period of absence should be treated unauthorized absence, he cited the ruling reported in 2003 102 FJR 479(SC).

18. He submitted that the workman as could be seen from the Enquiry Report exhausted the sick leave of 540 days, availed extraordinary leave of loss of pay for 124 days and thereby remained unauthorisedly absent from duty for a period of about 745 days and therefore, this conduct of the first party not only damaged the reputation of bank but also hampered the day to day functioning of the banking causing lot of inconvenience to the public.

19. Learned counsel in support of his argument that the impugned punishment in this case was quite commensurate and proportionate to the gravity of the misconduct committed by the first party and that in such cases even the punishment of dismissal was up held, cited decisions of Hon'ble High Court and their Lordship Supreme Court, as under :

(1) IKR 2003 KAR Page 865 (DB)

(2) 1996 LAB I. C 745(SC)

(3) 2002-I LLJ (DB)

(4) FJR (Vol. 103) Page 304(DB)

(5) 1999-I LLJ Page 1172(DB)

20 Before adverting upon the various contentions of the respective parties it will be worthwhile to bring on record the reasonings and the observations made by the learned Enquiry Officer in coming to the conclusion that the first party was guilty of misconduct charged against him. On page under 4 under the heading 'Analysis of Evidence', those reasonings commenced as under :

ANALYSIS OF EVIDENCE

"I have carefully gone through the oral and documentary evidence adduced by the Management and Defence sides. It has come on record that the CSE was served with 6 chargesheets in the past about which there is no dispute before the enquiry forum. In fact, the CSE himself in his reply to the charge sheet has categorically admitted that he was charge sheeted on earlier occasions also. It is also not in dispute that the CSE absented for 81 days, for which he has been served with the present charge sheet. To substantiate the unauthorized absence of the CSE, 5 documents were produced before the enquiry forum informing the CSE of his absence being treated as unauthorized. The defence of the CSE is that he had submitted leave applications on all the occasions along with the medical certificates. His other defence was that he had to absent from duty on account of his own sickness and also at times to take care of his family members. Therefore, now the point in dispute is whether it is true that the CSE submitted leave applications along with medical certificates in time. Going through MEX-1, I observe that for the absence from 20-8-1997 to 30-8-1997, CSE submitted leave application only on 10-9-1997, after 6 weeks of joining duty. Of course, the CSE produced medical certificate. But as per leave rules, since the CSE was absent continuously for 11 days, he was required to keep informed the branch about his absence then and there, whereas in the instant case, even after joining duty, he did not prefer to submit leave application along with MC immediately. Similarly, going through MEX-2, I observe that for his absence of 11 days on various days between 16-8-97 and 23-9-97, he had not at all submitted leave applications even as on 5-11-1997 i.e. the date of letter issued to him treating his 11 days absence as unauthorized. Again, going through MEX-3, I observe that during the entire month of December, 1997, the CSE did not attend office norm kept informed of the same to the Bank. In MEX-3, it was brought to his notice that as per leave rules leave application and medical certificate shall be submitted immediately on proceeding on leave and fitness certificate at the time of reporting for duty. MEX-4 is also an example of continuous violation of leave rules by the CSE, wherein he did not submit leave application as on 17-9-1998 to 23-5-1998. Going through all exhibits, I have no hesitation to state that the CSE has not at all submitted leave applications as per leave rules then there of his absence but preferred to submit leave applications at his own convenient time, ignoring the inconvenience faced by the Bank. Therefore, the CSE's statement that he submitted leave applications along with MC and still his absence was treated as unauthorized cannot be accepted as he violated leave rules. It has also come on record that the CSE unauthorisedly absented for 745 days and exhausted all kinds of leave. Such action of the CSE, no doubt affects the functioning of the branch and customer service. The CSE's action of violating leave rules inspite of having been punished 6 times in the past show that the CSE has utter disregard to the leave rule and the interest of the Bank. As such, the CSE's action amounts to doing act prejudicial to the interest of the bank. The only point in favour of the CSE is that he has not absented unauthorisedly after Octber. 1998."

21. Therefore, from the reading of the aforesaid reasonings and observations made by the learned Enquiry Officer it is very difficult ot appreciate the arguments advanced by the first party that the act of first party in remaining absent from duty was not an unauthorized one but was technical in nature as he did not submit his leave application or got sanctioned leave in time. It is crystal

clear from the reasonings assigned by the Enquiry Officer that the first party never submitted leave application as per leave rules and submitted such applications at his own convenient time along with medical certificates. It was rightly held by the Enquiry Officer that the absence of the first in violation of the leave rules was unauthorized. Their Lordship of Supreme Court in the case reported in 2003 102 FJR 479 (SC) while dealing with a similar question held that the mere making of an application for leave cannot be construed to be of any consequence in the background of the strict requirement of giving proper intimation. In the instant case, it is something more. Here the first party never gave applications before he proceeded on leave or remained absent from duty getting leave sanctioned in time. He also did not submit medical certificates whenever he reported for duty after remining absent from duty. Therefore, the case on hand is a clear case of unauthorized absence and there cannot be two opinion for that. Now the only question to be considered would be 'Whether there are circumstances favouring the first party to take any lenient view'. Of course in the decisions cited on behalf of the management, in most of the cases, the dismissal order for misconduct of unauthorized absence was up held by the Hon'ble High Court and Supreme Court but as submitted by the learned counsel for the first party there are mitigating circumstances in this case to be considered in favour of the first party. The first one as said above is the fact undisputed that for the period of unauthorized absence from 16-8-1997 to 24-9-98, Charge sheet dated 15-9-99 was served upon the first party in the month of Ocbtober 1999 i.e. after a gap of more than one year from the date of alleged misconduct. This delay on the part of the management in issuing the charge sheet though may not have prejudiced the case of the first party but it shows that the management was little bit hesitant in issuing the charge sheet. The next circumstance is the fact brought out in the statement of MW1 before the Enquiry Officer wherein no uncertain terms MW1 in whose period the first party worked at Basavakalayan Branch, to question No. 6, stated that the first party is good and hard worker and he is a good worker except for his absentism. When a suggestion was made to him at Question No. 7 that he was absent from duty from 20-8-97 to 30-8-97 and from 1-12-97 to 31-12-97 on accunt of his illness, the plain answer given by MW1 was 'Yes'. When a question was put to him as to on what ground the first party remained absent from 3-9-98 to 24-9-98, his answer was that 'it was on sick grounds and to see his mother'. Therefore, the statement of MW1, a material witness for the management, would make it abundantly clear that on most of the times, the first party remained absent from duty on account of his illness and some time to see his mother. Therefore, the observations made by the Lordship of our Hon'ble Supreme Court in the aforesaid Writ Appeal cited on behalf of the first party to some extent will support his case saying that the misconduct is technical in nature. The next important circumstance not to be lost sight of this tribunal would be the undisputable conduct of the first party in discharging his duties very regularly without committing the misconduct like the one on hand continuously from the month of October 1998 up till April 2000 when he was served with impunged punishment order. This subsequent conduct of the first party before he was removed from service has been ignored by disciplinary authority while taking into consideration his past conduct. Of course the past conduct of the first party was very bad as he failed to mend his ways despite being punished on several occasions followed by departmental enquiry. However, at the same time the conduct of the first party continuously for a period of more than 18 months in not committing the sort of misconduct of unauthorized absence must have been taken into consideration while imposing the punishment. In fact the Enquiry Officer in his report in the last sentence observed as under :—

"The only point in favour of the CSE is that he has not absented unauthorisedly after Ocbtober 98". The fact that the first party workman is a hard and sincere worker again not to be disputed in this case as MW1 himself as noted above, admitted this fact that he served at Andaman & Nicobar Islands for about a period of 2 1/2 years, that too voluntarily, must weigh in his favour; that he was good in recovering of loan amount is taken note of by the Disciplinary Authority itself in the impugned punishment order.

22. Keeping in view the facts and circumstances narrated above and at the same time being conscious of the fact that the misconduct committed by the workman involves no moral turpitude, it appears to me that the punishment of Compulsory Retirement meted out to the workman is excessive and not commensurate to the gravity of the misconduct committed by him. It appears to me that ends of justice will be met if the punishment of Compulsory Retirement is substituted by lesser punishment of withholding of 5 Annual Increments of the workman with cumulative effect from the date of the original punishment order dated 4-4-2000. He shall be reinstated with continuity of service from the date of his dismissal but not entitled to any back wages. His unauthorized absence period of 81 days shall be treated as any kind of leave permissible under the rules. Accordingly reference is answered and following award is passed.

ORDER

The Five Annual Increments of the workman are withheld with cumulative effect w.e.f. 4th April 2000. He shall be reinstated with continuity of service from the dated of his dismissal but not entitled to any back wages. His unauthorized absence period of 81 days shall be treated as any kind of leave permissible under the rules.

(Dictated to PA transcribed by her corrected and signed by me on 4th June 2004)

A. R. SIDDIQUI, Presiding Officer

नई दिल्ली, 21 जून, 2004

का०आ० 1702.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार तूतीकोरीन पोर्ट ट्रस्ट के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चेन्नई के पंचाट (संदर्भ संख्या 540/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-6-2004 को प्राप्त हुआ था।

[सं० एल.-44011/3/98-आई० आर० (एम)]

सी० गंगाधरण, अवर सचिव

New Delhi, the 21st June, 2004

S.O. 1702.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 540/2001) of the Central Government Industrial Tribunal-cum Labour Court, Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Tuticorin Port Trust and their workman, which was received by the Central Government on 21-6-2004.

[No. L-44011/3/98-IR (M)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT CHENNAI

Friday, the 30th April, 2004

PRESENT:

K. Jayaraman, Presiding Officer

INDUSTRIAL DISPUTE No. 540/2001

(Tamil Nadu State Industrial Tribunal I.D.No. 146/98)

(In the matter of the dispute for adjudication under clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the industrial Disputes Act, 1947(14 of 1947), between the Management of Tuticorin Stevedores Association and their workmen)

BETWEEN:

The Secretary, Tuticorin Port & Mariners' Union, Tuticorin. : I Party/Claimant

AND

1. The Administrator Tuticorin Stevedores Association, Tuticorin. : II Party/Management
2. The Chairman, Tuticorin Port Trust Tuticorin.
3. The Administrator, *** Tuticorin Port Trust Cargo Handling Labour Pool, Tuticorin.

*** 3rd Respondent is impleaded as per order of this Tribunal dated 14-2-2003.

APPEARANCE:

For the Claimant : M/s P. K. Rajagopal & K. Santhakumari, Advocates

For the Respondent No. 1 & 3 : M/s. T. S. Gopalan & Co. Advocates

For the Respondent No. 2 : M/s. M. Sriram, D. Rajendran & A. Gandhi, Advocates.

AWARD

The Central Government Ministry of Labour vide Notification No.L-44011/3/98-IR(M) dated 14-12-1998 has earlier referred this industrial dispute to Tamil Nadu State Industrial Tribunal for adjudication. The Tamil Nadu State Industrial Tribunal has taken the same on its file as I.D. No. 146/98 and issued notices to both sides and both sides entered appearance through their advocates and filed their claim statement and counter statement respectively and after the constitution of this Central Govt. Industrial Tribunal cum Labour Court, the said Industrial Dispute was transferred to this Tribunal and after the receipt of records of this dispute, it was re-numbered as I.D. No. 540/2001 and notices were issued to both the parties for further prosecution.

2. The schedule mentioned dispute in the order of reference is hereunder :—

> "Whether the action of the management of Tuticorin Stevedore's Association in denying employment to the following 26 Cargo Handling Workers is justified? If not to what relief are they entitled to?"
>
> 1. Shri S. Singu, 2. Shri K. Chellappa, 3. Shri Muniasamy, 4. Shri S. Gurusamy, 5. Shri T. Pious, 6. Shri S. Palanivel, 7. Shri M. Muniasamy, 8. Shri C. Velusamy, 9. Shri A. Kasankathan, 10. Shri A. Subramanian, 11. Shri A. Soliappa, 12. Shri V. Arumugam, 13. Shri P. Chellaperumal, 14. Shri O. Paulraj,, 15. Shri S. Rajendran, 16. Shri G. Gompa Mada, 17. Shri C. Velu, 18. Shri M. Perumal, 19. Shri T. Thamma Perumal, 20. Shri A. Mayandi, 21. Shri M. Muniasamy, 22. Shri L. Percy Motha, 23. Shri R. Palanichamy, 24. Shri M. Thangaraj, 25. Shri K. Sakthivel and 26. Shri C. Thamman.

3. The allegations of the Petitioners in the Claim Statement are briefly as follows :—

The workmen concerned joined the services of various cargo handling contractors doing the work of Port Trust for over a decade and more as in the year 1981. These workers along with several other similarly placed workmen had done the work of Port almost continuously round the clock for years together under very adverse working conditions. Their names had been borne out in an agreed list of workmen doing the job as casual pool workers, based on unanimous written agreement of all concerned. Negotiations were held in the presence of Regional Labour Commissioner (Central), Chennai between the port authorities, Tuticorin Port Users (Stevedores) and the representatives of Labour consisting of several Trade Unions for the purpose of decasualisation and regularisation of these workers including the Petitioners and a settlement under Section 12(3) of the Industrial Disputes Act was entered into on 1-8-81 and it was also published in the Gazette. Finally, an agreed list of workmen to be absorbed and regularised in service was prepared and published in October, 1981. In the settlement, a provision was made stating that 'cargo handling labour for deployment will be taken only from the agreed list of the casual pool of Cargo Handling Workers finalised by the port'. It contains 3686 names based on number of permits issued by the Port Authority. The names of 26 workmen concerned in the present Industrial Dispute are also included in that. These concerend workmen were continued to work under Tuticorin Stevedores Association right upto August, 1982. Their addresses were also available both in the agreed list as well as in the records of Tuticorin Stevedores Association. But these workers were not called for medical examination to ascertain their fitness and all of a sudden they were refused entry passes from September, 1982. They were not continued in service thereafter. No notice of termination or any communication was served on them either prior to non-employment or thereafter. At the same time, the other similarly placed workmen were given employment. Finally, they approached the then Secretary of the Petitioner Union who was Labour Trustee in the Port Trust Board with a memorandum demanding employment and the same was forwarded to the Assistant Labour Commissioner (Central) [illegible]ndum. When the matter was taken up for conciliation, the Assistant Labour Commissioner (Central) refused to entertain the dispute on untenable grounds by letter dated 18-6-85 and thereupon the Union was constrained to challenge the refusal to entertain the dispute by a Writ Petition before the High Court in W.P. No. 11740 of 1985 and after the final order in the said W.P. on 13-12-95, the Assistant Labour Commissioner (Central), Chennai has taken the matter and on submission of his failure report, the matter was referred to this Tribunal for adjudication. The refusal of employment by the Tuticorin Stevedores Association amounts to illegal non-employment and it is arbitrary, unlawful and violative of law governing employer employee relationship and the non-employment is contrary to the principles of socio-economic justice enshrined in the Constitution of India. After the Industrial Dispute was taken on file and after filing of the pleadings by original parties, the third Respondent came into being and the rights and obligations of the 1st Respondent were passed on to third Respondent by virtue of express agreement. Hence, the third Respondent has been added as a party to the Industrial Dispute. Therefore, the Petitioner Union prays that an award may be passed directing the Respondent to reinstate the concerned employees on regular basis with continuity of service and other attendant benefits and since the third Respondent has taken over the first Respondent, the relief sought for against first Respondent is now sought for against the third Respondent.

4. As against this, the 1st Respondent in its Counter Statement has alleged that historically in the Tuticorin Port, the cargo whether imported or exported was carried by plying country boats from the main land to the ships anchored was about six miles away *vice versa*, in other words, it was only an anchored port. The 1st Respondent was formed in the year 1952 and the stevedores who were operating in Tuticorin were members of the association. The labour pool of the 1st Respondent Association came into being only from November, 1981. In 1960 a new port was developed for steamer vessels to call at Tuticorin and this was called as new harbour and the original berth was called as old harbour. In the year 1980 it was felt that the Cargo Handling Workers in Tuticorin should be brought under one centralised agency and their employment should be regulated. Form 1980 the Tuticorin Port Trust started issuing dock entry permits to the labourers working under the stevedores and other port users. In October, 1981 a casual labour pool of Cargo Handling Workers holding dock entry permits was prepared and it contained 3686 names. The Cargo Handling Workers of Tuticorin Port also demanded similar regularisation in the services of an institution and they threatened that they would go on strike boycotting all the vessels from 1-9-81 and during the course of conciliation on 31-8-81 a settlement under section 12(3) was [illegible]. Under this settlement, it was agreed that pending establishment of a suitably agency system an *ad-hoc* committee consisting of the representatives of stevedores, steamer agents, two union representatives will attend to the work of rotational booking of Cargo Handling Workers for both Zone A and Zone B. From November, 1981 the 1st Respondent started rotational booking on *ad-hoc* basis and when the 1st Respondent started allocating the listed Cargo Handling Workers on rotational basis, the 2nd Respondent insisted that it should be informed of holders of dock entry permits who do not offer themselves for engagement continuously for 45 days, so that in those cases, they will cancel the permits. Accordingly, the 1st Respondent used to send intimation to the 2nd Respondent every month, the list of workmen who have not offered themselves for engagement continuously for 45 days and

basing on such letters, the 2nd Respondent used to cancel their dock entry permits. When once the dock entry permits are cancelled by the 2nd Respondent, the 1st Respondent also used to remove the name of those persons from the list of Cargo Handling Workers maintained by it. Between November, 1981 and January, 1983, the 2nd Respondent cancelled the dock entry permits of a large number of workmen including the 26 workmen who are concerned in the present dispute who did not offer themselves for engagement and based on the cancellation, the 1st Respondent also removed their names from the list of cargo handling workers maintained as from 1-11-81. The Cargo Handling Workers who were given rotational booking were receiving wages from the stevedores. They were not happy about the arrangement and they wanted that they should be brought under the control of the 1st Respondent. On 11-5-83, a settlement was made between the 1st Respondent and unions representing the workmen in the Tuticorin Port Trust by which it was agreed that Cargo Handling Workers will be subject to screening and it will be completed before 30-7-83. Accordingly, the 1st Respondent used to display notice at the call point calling upon the listed Cargo Handling Workers to appear for medical test and for other verification and such of those workers who passed the screening test were taken on the rolls of the 1st Respondent and they were extended all the benefits in terms of the settlement dated 11-5-83. The persons concerned were not in the list of Cargo Handling Workers when screening was agreed to be done by the settlement dated 11-5-83. To the knowledge of the 1st Respondent many among the 26 persons were recruited by one local recruiting agency and they were taken to the port of Guetar and they did not offer themselves for engagement even long before the settlement dated 11-5-83. Therefore, the question of considering them for employment in the services of the Respondent did not arise. In this case, the Petitioner Union is put to strict proof of its representative character to espouse the cause of the 26 persons mentioned in the order of reference. The Petitioner Union has no authority or competence to raise or maintain the present dispute. It is only in May, 1985 the 26 persons mentioned in the order of reference submitted a joint memorandum to the Petitioner that they had worked in the port upto August, 1982. Therefore, the countenance of the said claim now after nearly 17 years will be neither fair nor just to the 1st Respondent or to the other listed workmen. Further, if the claim of the 26 persons is to be countenanced, it will substantially jeopardize the interest of other listed Cargo Handling Workers as their employment opportunities will get reduced. Further, the 26 persons mentioned in the order of reference are not remaining idle and they are in gainful occupation. Hence, for all these reasons, the 1st Respondent prays that the claim may be dismissed.

5. The 2nd Respondent in its Counter Statement contended that the 26 Cargo Handling Workers given in the annexure to claim petition were not working under the Respondent/Tuticorin Port Trust as stated by the Petitioner Union in the Claim statement and they were not members of the 1st Respondent Association. The said 26 workers were employed by independent stevedores in Tuticorin Port prior to 31-8-81 and therefore, the Respondent Tuticorin Port Trust has nothing to do with them and hence, this industrial dispute is not maintainable and the same is liable to be dismissed in limine. The other contentions of the 2nd Respondent are more or less the same of the 1st Respondent.

6. The 3rd Respondent in its Counter Statement disputes the alleged denial of employment to 26 Cargo Handling Workers mentioned in the reference and the denial of employment is alleged against the 1st Respondent Association. The pool of Cargo Handling Workers were demanding absorption in the service of the 2nd Respondent and in support of the said demand, the Cargo Handling Workers went on a strike on 1-1-98 and subsequently, the dispute was pursued in conciliation. On 22-12-99 a settlement was made under section 12 (3) of the Industrial Disputes Act, 1947 by which it was agreed that, the 3rd Respondent would absorb the 1926 workers and 64 staff and officers in the 3rd Respondent pool. The 3rd Respondent came into being pursuant to the settlement and in terms of the settlement, the 3rd Respondent is liable to absorb and also answerable only to the claim of 1990 workers, staff and officers. The 3rd Respondent is neither liable nor obliged to consider any other person for employment or for any other claim. Even if the Petitioner succeeds, they will have to look up to the 1st Respondent for relief. They cannot ask any relief against the 3rd Respondent. Hence, the 3rd Respondent prays that the claim may be dismissed with costs.

7. In these circumstances, the points for my consideration are —

(i) "Whether the action of the 1st Respondent in denying the employment to the 26 Cargo Handling Workers is justified?"

(ii) "To what relief, the 26 Cargo Handling Workers are entitled?"

Point No. 1 :—

8. It is an admitted case of both sides that Tuticorin Stevedores Association was formed in the year 1952 and the Labour Pool of the Tuticorin Stevedores Association namely 1st Respondent came into being in the year 1981 and in 1960s when a new port was developed for steamer vessels to call at Tuticorin, it is called as new harbour and the original berth was called as old harbour. In the year 1980 it was felt that Cargo Handling Workers of Tuticorin should be brought under one centralised agency and their employment should be regulated and from the year 1980, the Tuticorin Port Trust started issuing dock entry permits

to labourers working under the stevedores and other port users. In October, 1981 a casual labour pool of Cargo Handling Workers holding dock entry permits was prepared and it contained 3686 names. Subsequently, the Cargo Handling Workers of Tuticorin Port demanded regularisation of their services and they threatened that they would go on strike boycotting all vessels from 1-9-81. Subsequently, during conciliation on 31-8-81 under Ex. M3 a settlement under section 12(3) of Industrial Disputes Act, was made and it was further agreed that pending establishment of a suitable agency system on ad-hoc committee consisting of representatives of stevedores, steamer agents and two union representatives will attend to the work of rotational booking of Cargo Handling Workers for both Zone. A namely new harbour and Zone B, namely old harbour.

9. Then it is the case of the 1st Respondent, when that being the case, the 2nd Respondent namely Port Trust insisted that is should be informed about holders of dock entry permits, who do not offer themselves for engagement continuously for 45 days, so that in those cases, they will cancel the dock entry permits. Accordingly, the Stevedores Association namely the 1st Respondent, used to send intimation to the 2nd Respondent every month, a list of workmen, who have not offered themselves for engagement of continuously for 45 days and it is the further case of the 1st Respondent that between November, 1981 and January, 1983 the 2nd Respondent namely the Port Trust has cancelled the dock entry permits of a large number of workmen including the 26 workmen, concerned in the present dispute who did not offer themselves for engagement were cancelled and the 1st Respondent also removed their names from the list of Cargo Handling Workers list maintained from 1-11-81.

10. But, as against this, it is the case of the Petitioner Union that they worked under the Tuticorin Stevedores Association right upto August, 1982 and their addresses were available both in the agreed list as well as the records of Tuticorin Stevedores Association and they were not called for medical examination to ascertain their medical fitness and all of a sudden, they were refused entry passes from September, 1982 and they were not continued in service thereafter and no notice of termination or any other communication was served on them either prior to their non-employment or thereafter. Therefore, it is the admitted fact of both sides that after the agreed lists were prepared on 11-5-1983, the Cargo Handling Workers, who were given rotational booking were receiving wages from the Stevedores and they were not happy about the arrangement and they were keen that they should be brought under the control of the 1st Respondent and since the Cargo Handling Workers to whom roll numbers were assigned were fairly large and with the equitable distribution of the available job opportunities, each worker could not get work even for two days in a month, it was suggested that before the 1st Respondent namely the Stevedores Association absorb the listed Cargo Handling Workers, they should be screened about their age, physical capacity, medical fitness and bonafide of the pass holders. On behalf of the Petitioner Union, it was contended that the concerned employees were not called for medical fitness. The 1st Respondent want only avoided the concerned employees to be tested by medical team and subsequently the dock entry permits were also cancelled and they were not permitted to enter the port and under such circumstances, they have taken the matter before Assistant Labour Commissioner (Central).

11. But as against this, the Respondent contended that many among these concerned employees were recruited by one local recruiting agency and they were taken to port Quetar and they were not offered themselves even long before the settlement i.e. 11-5-1983. Therefore, the question of considering them for employment in the services of the Respondent and the question of medical examination will not arise at all and they have abandoned the work of the Respondent in the Port. Further, the Respondent have stated that they have issued general notice for the absentees and it was affixed in the call point of the 1st Respondent in the Port and such of 3686 listed Cargo Handling Workers who passed the screening test were taken on the rolls of Tuticorin Stevedores Association and they were extended all the benefits in terms of the settlement dated 11-5-83. The concerned employees were not in the list of Cargo Handling Workers, when the screening was done because even long prior to that date, they left India and they were not available for screening. Therefore, they have not offered themselves for engagement and which resulted in dock entry permits being cancelled by Port Authorities.

12. On behalf of the 1st Respondent reliance was placed on Ex. M10, M11 and M13. Ex. M10 is the notice issued by the 1st Respondent regarding removal of names of such of those workers from the rolls of the 1st Respondent. Ex. M11 is the minutes of meeting held on 18-5-83. As per the settlement dated, 11-5-83 in which the 1st Respondent and the Port Trust Authorisies have taken follow up action as per the above settlement, in which they have agreed how the medical examination has to be conducted and how the wages has to be distributed among the Cargo Handling Workers. Ex. M13 is the screening records of 1056 workmen of the II Party in which it is clearly mentioned that the concerned employees due to their absence and on enquiry that they have again approached they have not attended the screening programme. Further, the counsel for the 1st Respondent also placed reliance on the communication sent by the 2nd Respondent to the 1st Respondent with regard to cancellation of dock entry permits namely Ex. M4, M7 and M9 in which the dock entry permits have been cancelled for the persons who were not attended the work for more than 45 days.

13. As against this, the counsel for the Petitioner contended that the witnesses examined on the side of the 1st Respondent has clearly admitted that the concerned employees' names were found in the agreed list i.e. 3686 names. But they have not issued any notice of termination and they have not issued any individual notice. Under such circumstances, the termination is illegal and void ab initio and they have not follwed any procedure as laid down under Industrial Disputes Act, 1947. Under such circumstances, the concerned employees are to be reinstated in service as prayed for. Further, it is not the case of the Respondent that the concerned employees have left India for egging out their livelihood. Only in the evidence, they have produced certain office copy of the notice which are alleged to have been the correspondence between the 1st Respondent and 2nd Respondent and there is no proof that individual notices were sent to the concerned employees. under such circumstances, these documents will not give any strength to the contention of the Respondents. Further, there is no proof that the concerned employees have left India for job and the document produced as Ex. M22, which is the copy of the letter sent by one Diamond Shipping Agents to the Traffic Manager, Tuticorin Port Trust will not in any way show that one of the concerned employees has left Quatar for his job. Further, it is the admission of the Respondent witness that the entire workers were under the control of the 1st Respondent and if any workman remained absent, it will be known only to the 1st Respondent and the Port Trust will have no reason for his absence and the Port Trust will not search for concerned workman and therefore, under such circumstances, this document Ex. M22 addressed to the Port Trust by individual stevedore will not help in any way to show that one of the employees in this dispute had left for Quatar. Further, the learned counsel for the Petitioner argued that it is the admission of the Respondent witness that they have not issued any individual notice to the persons concemed and they have also not produced any general notice alleged to have been issued by them in this regard and therefore, the allegation that they have affixed notice with regard to the long absence of the concerned employees cannot be believed and therefore, the action of the Respondent is illegal and it cannot be valid in low.

14. As against this , the learned counsel for the Respondent argued that it is admitted case of the Petitioner that there is no enmity between the 1st Respondent and the concerned employees and under such circumstances, they have not stated for what reason they have excluded these employees. Further, it is the contention of the Petitioner Union that these employees were disengaged on September, 1982 and they have approached only in the year 1985 i.e. three years after their alleged disengagement. Under such circumstances, the concerned employees have to explain for the delay in approaching the labour department and this delay will be a fatal to their claim and he has relied on the rulings reported in 2002 I LLJ 457, wherein the Supreme Court has held that the "the delay for more than nine years in approaching the Labour Officer would come in long way of true that the delay is fatal to the case of the employees". In that case, where there was a serious dispute regarding the relationship between the parties as employer and employee, long delay would come in way of employer in maintenance of records and the situation would render the claim to have become stale and the delay in that case is fatal to the case

15. But, as against this, the learned counsel for the Petitioner argued that even though it is alleged that there is a delay of more than three years in approaching the Labour Officer, in this case, the concerned employees expecting up their representation before the 1st Respondent and they waited for a reasonable time and only after that they have approached the Labour Officer and further the Assistant Labour Commissioner (Central) has rejected the contenfion of the Petitioner and therefore, they have to approach the High Court for taking their matter by the labour Officer and it was ended only in the year 1995. Only after that the conciliation was made but on the failure of conciliation, the matter was referred to this Tribunal and therefore, it cannot be said that there is a long delay and the delay is unavoidable. Under such circumstances, it cannot be said that it is a fatal to the Petitioner's case.

16. But, again the learned counsel for the Respondent argued that though their matter was taken cognisance by the High Court, they have not given any valid explanation for approaching the labour Officer three years after the termination. Under such circumstances, it cannot be said that they have approached this Court without any delay. Furhter, it is one of the evidences that will show that these concerned employees have left India and they were not available in India as alleged by the Respondent. Further, though it is argued on behalf of the Petitioner that the 1st Respondent has not taken the plea that employees were left India to Quatar, but even in the Counter Statement, the 1st Respondent has clearly stated that the concerned employees have left India and therefore, it cannot be said that due enquiry was not held by the 1st Respondent with regard to their availability in India.

17. But, again the learned counsel for the Petitioner argued that when the agreed list namely Ex. M2 has contained the residential addresses of the concerned employees, the 1st Respondent has not taken any steps to serve any notice with regard to their long absence. Under such circumstances, the allegation made by the 1st Respondent and also the other Respondents that the concerned employees were not available in India for screening is a false one.

18. Though, I find some force in the contention of the learned counsel for the petitioner, on a perusal of the

documents produced by the Respondent namely Ex. M10, M11, M13, M4, M7 and M9, I find it is clear that the Respondent has taken all steps and only because of the concerned employees long absence, they were not available for screening and therefore, their dock entry permits were nightly cancelled by the 2nd Respondent. Under such circumstances, since the concerned employees were not available for screening and were not available to work in the Port, their dock entry permits were cancelled and after the cancellation of dock entry permits, they were not included in the final list and therefore, they cannot claim any relief with regard to their contention. Though, it is said that there is no delay on the part of the concerned employees to approach the Labour Officer, it is clear that only because they were not available in India, they have not approached the labour department from the year 1982 to 1985. Under such circumstances, I find the delay is fatal and it clearly proves that they were not available at that time in India. Further, from the documents produced namely Ex. M21 and M22 which are alleged to be created documents by the Petitioner, I find these documents are true documents and it clearly prove that one of the concerned employees was not available and he had left India for Quatar. Further, it is not disputed that the signature found in Ex. M-21 is not of the concerned employees, under such circumstances, I find there is no merit in the contention of the Petitioner Union. Further in this case, even though the Petitioner Union contended that the Respondent has terminated the employees without any notice and so on, not even a single employee was examined in this case of establish their contention. Though, it is not necessary that all the employees should be examined in this case, when the allegations were made against the concerned employees that they were not in India during that period, they can come and depose before this Tribunal that they were very well available at that time and it was only a mistake of the Respondent that they have not been called for screening. But, for the reasons best known to them, they have not entered into the witness box. Under such circumstances, I find the contention of the Respondent is a true one. Further, the General Secretary of the Union was examined on the behalf of the Petitioner has clearly admitted that if the employees were not turned up for duty continously, they will issue general notice and publication and cancel the dock entry permit issued to them. In this case, since the Respondent has established that after the general notice the dock entry permits have been cancelled to the persons who have absented for duty for more than 45 days, I find the cancellation of dock entry permits issued to the concerned employees will hold good. Under such circumstances, I find there is no merits in the case of the Petitioner Union that the concerned employees have been terminated from service illegally. As such, I find this point against the Petitioner Union.

Point No. 2 :—

The next point to be decided in this case is to what relief the Petitioner is entitled ?

19. In view of my foregoing findings, I find the concerned employees are not entitled to any relief as claimed by the Petitioner Union. No Costs.

20. Thus, the reference is answered accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 30th April, 2004.)

K. JAYARAMAN, Presiding Officer

Witnesses Examined :—

For the I party/Workman : WW1 Sri M. Ravindran
For the II Party/Management : MW1 Sri R. Sudalaiyandi

Documents Marked : —

For the I party/Workman :—

Ex. No.	Date	Description
W1	14-09-87	Xerox copy of the circular issued by respondent regarding details of punishment awarded.

For the II Party/Management : —

Ex. No.	Date	Description
M1	17-02-86	Xerox copy of the order passed by CIT (Appeals) Exempting the II Party No. 2
M2	•	Oct. 81 Xerox copy of the list containing the names of Casual pool of cargo handling
M3	01-09-81	Xerox copy of the memorandum of settlement U/s. 13 of I.D. Act.
M4	25-11-82	Xerox copy of the letter from 2nd Respondent to 1st Respondent regarding cancellation of entry permits
M5	27-11-82	Xerox copy of the letter from 1st Respondent to 2nd Respondent
M6	29-11-82	Xerox copy of the letter from 1st Respondent to 2nd Respondent
M7	31-12-82	Xerox copy of the letter from 2nd Respondent to 1st Respondent regarding cancellation of entry permits
M8	05-01-83	Xerox copy of the letter from 2nd Respondent to 1st Respondent regarding cancellation of entry permits

Ex. No.	Date	Description
M9	28-04-83	Xerox copy of the letter from 1st Respondent to 2nd Respondent
M10	30-04-83	Xerox copy of the notice issued by 1st Respondent
M11	18-05-83	Xerox copy of the minutes of meeting
M12	20-08-83 & 21-8-83	Xerox copy of the minutes of meeting regarding screening of Cargo Handling Workers.
M13	Nil	Xerox copy of the screening records of 1056 workmen.
M14	21-10-97	Xerox copy of the minutes of joint discussion between the parties.
M15	29-12-96	Xerox copy of the memorandum of settlement u/s. 12(3).
M16	22-12-96	Xerox copy of the memorandum of settlement u/s. 12(3).
M17	01-09-81	Xerox copy of the notification of Tuticorin Port-Trust.
M18	Nil	Xerox copy of the cancellation list of dock entry permits.
M19	Nil	Xerox copy of the official note of Tuticorin Port Trust.
M20	Nil	Xerox copy of the list of dock entry permit holders who are continuously absent.
M21	03-11-82	Xerox copy of the letter from palaniswamy to Tuticorin Port Trust
M22	25-11-82	Xerox copy of the letter from Diamond Shipping Agency to Tuticorin Port Trust.
M23	25-11-82	Xerox copy of the cancellation order of Tuticorin Port Trust.
M24	27-11-82	Xerox copy of the letter from 1st Respondent to 2nd Respondent.
M25	29-11-82	Xerox copy of the letter from 2nd Respondent to 1st Respondent.
M26	31-12-82	Xerox copy of the letter from 2nd Respondent to 1st Respondent.
M27	06-11-83	Xerox copy of the letter from Tuticorin Stevedores Association to Tuticorin Port Trust.
M28	28-04-83	Xerox copy of the letter from Tuticorin Stevedores Association to Tuticorin Port Trust with list of absentees.
M29	28-08-88	Xerox copy of the long absentees given by INTU.
M30	11-05-83	Xerox copy of the memorandum of settlement u/s. 18(1).

नई दिल्ली, 21 जून, 2004

का. आ. 1703.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार चेन्नई पोर्ट ट्रस्ट के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय चेन्नई के पंचाट (संदर्भ संख्या 99/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-5-2002 को प्राप्त हुआ था।

[सं. एल.-33011/1/2002-आई. आर. (एम)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 21st June, 2004

S.O. 1703.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 99/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Chennai as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Chennai Port Trust and their workman, which was received by the Central Government on 20-5-2004.

[No. L-33011/1/2002-IR(M)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT CHENNAI

Monday, the 5th April, 2004

PRESENT:

K. Jayaraman,
Presiding Officer

Industrial Dispute No. 99/2002

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and Sub-section 2(A) of section 10 of the Industrial Disputes Act, 1947(14 of 1947), between the Management of Chennai Port Trust.and their workmen)

BETWEEN:

The General Secretary, Madras Port Trust United Labour Union, Chennai. : I Party/Claimant

AND

1. The Chairman, Chennai Port Trust, Chennai
2. The Secretary, : II Party/Respondents

Ministry of Shipping & Transport, New Delhi.

**2nd Respondent is impleaded as per order in I.A. No. 59/2003.

APPEARANCES:

For the Claimant : M/s R. P. Pannerselvam & R. Damodharan, Advocates

For the Respondent No. 1 : Mr J. Sathyanarayana Prasad, Advocates

For the Respondent No. 2 : M/s. K. Akhilandeswari, ACGSC

AWARD

The Central Government Ministry of Labour vide Notification Order No.L-33011/1/2002-IR(M) dated 22-10-2002 has referred the following dispute to this Tribunal for adjudication :—

"Whether the demand of the Madras Port United Labour Union for redesignation of DiplomaHolders in the Chennai Port Trust as Junior Engineer Gr.II/ Gr.I and for revision of pay scales is justified?"

2. After the receipt of the reference, it was taken on file as I.D.No.99/2002 and notices were issued to both the parties and both the parties entered appearance through their advocates and filed the Claim Statement and Counter Statement respectively. On the side of the I Party/Union, a petition was filed before this Tribunal to implead the Secretary, Union of India, Ministry of Shipping & Transport, New Delhi as 2nd Respondent in this dispute and the same was allowed by this Tribunal vide I.A. 59/2003. Thereafter the I Party Union filed the amended Claim Statement impleading the Secretary, Ministry of Shipping & Transport, New Delhi as 2nd Respondent and the 1st Respondent/Management also filed their additional Counter Statements.

3. The allegations in the Claim Statement and Additional Claim Statement of the Petitioner Union are briefly as follows :—

The Petitioner Union has raised this demand on the II Party/Management that the degree/diploma engineers in the categories of Special Mechanics, Supervisor Grade I and Supervisor Grade II in the Electrical, Mechanical and Engineering Departments be redesignated as Junior Engineer Grade I and Grade II as recommended by the Committee appointed by Indian Port Association. The said recommendations have been forwarded to the Ministry for its approval during 1996, but no decision has been taken by the Ministry till date. When the I Party Union issued strike notice dated 24-11-2000 against the II Party/ Management for revision of pay and allowances for diploma holders, the Port Trust management in the conciliation has stated that the Indian Port Association has recommended for the same and the matter is pending with the Govt. Since the implementation of Indian Port Association recommendation is unduly delayed, this issue was raised in the Chennai Port Trusts board meeting on 18-2-2001 and it was resolved by resolution No. 192 that the Govt. be requested to give approval for implementation of the recommendation contained in Indian Port Association committee. But even the Board's resolution has no desired results and therefore, the non-implementation of the above mentioned recommendation till now is arbitrary and against the law. The total financial implementation also come down from Rs. 3.21 crores to Rs. 2.65 crores per annum which is proposed to be met by abolition of 208 class III/IV posts. Hence, no additional expenditure incurred for cadre-structuring and revise the pay scales of diploma and degree holders of major ports and also Chennai Port Trust in particular. But, Chennai Port Trust have failed to elicit any positive response regarding the above mentioned proposal so far. Therefore, the inordinate delay is arbitrary and against the law and natural justice and also violation of Article 21 of the Constitution because right to social justice is also a fundamental rights. Therefore, the Petitioner Union prays that an award may be passed in their favour as prayed for.

4. As against this the Respondent in the Counter Statement contended that the Indian Port Association have constituted a committee on restructuring of cadre of diploma/degree engineers and this Committee after hearing the views of all the Degree/Diploma Engineers Association functioning in various ports and also the port management, had submitted its report in the year 1996. In the said report under Chapter 8 para 3.4/3.5 the Committee have recommendation for redesignation and also refixing the scales of pay. The Committee's report is only recommendatory in nature and the recommendations contained in the said report should be examined by the Govt. before implementation as per their letter and the Govt. is now examining the recommendations contained in the Committee's report in consultation with the Ministry of Finance and its final orders are still awaited. Therefore, the claim of the Petitioner Union that pay revision w.e.f. 1-1-97 was based on the recommendation of these two Committees has no relevance. Further, the Petitioner is confusing between cadre restructuring for diploma and degree engineers in Major Ports and cadre restructuring for Class I and II Officers. Hence, for all these reasons the 1st Respondent prays that the claim may be dismissed.

5. After amending the Claim Statement of the Petitioner Union, which includes the Secretary, Ministry of Shipping & Transport as 2nd Respondent, the 1st Respondent in the additional Counter Statement has alleged that the cadre restructuring could be implemented by the Port Trust management only prospectively and not

retrospectively from 31-12-96. Further, the 1st Respondent made similar allegations as that of made in I.D. No. 82/2002.

6. The 2nd Respondent has filed Counter Statement and has raised same allegations as made in I.D. No. 82/2002.

7. As against this, the I Party/Petitioner Union has filed a reply statement alleging that the reasons given by the Respondents for not giving retrospective effect are not reasonable. Further it is alleged that the settlement does not speak about any additional cost to the Port Trust. Though the 2nd Respondent contended that the cadre restructuring proposal was under consideration of the Govt. the Port Trusts including the Chennai Port Trust have been instructed not to wait for the final decision of the Central Govt. regarding cadre restructuring proposal. Even the High Court in its decision in W.A.No. 12/51/2000 dated 26-6-2001 and the review petition to Writ Appeal held clearly that diploma holders are entitled to promotion on the basis of common seniority in pursuance of decision as per the guidelines provided by the Central Govt. It also held that the matter is pending for a long time, the Port will be well advised to finish all these exercises within six months from the date of judgement. Therefore, the Petitioner Union prays for an order to the Respondent/Management to implement redesignation and pay fixation pertaining to diploma holders retrospectively as the Court may deem fit and proper in the circumstances of the case.

8. In these circumstances, the points for may determination are —

(i) "Whether the demand made by the Petitioner Union for re-designation of diploma holders as Junior Engineers Grade II/I and for revision of pay scales is justified?"

(ii) "To what relief they are entitled?"

Point No. 1 :—

9. In this case, on the side of the Petitioner Union 12 documents were marked as Ex.W1 to W 12 and on the side of the Respondent 3 documents were marked as Ex.M1 to M3 and no one was examined as a witness on either side.

10. The Petitioner's contention in this case is that the diploma engineers, belonging to class III employees consisting of Special Mechanics, Supervisor Grade II and Supervisor Grade I are in the Electrical and Mechanical departments. It is the further contention of the Petitioner that for all these categories, the incumbent must be in a possession of Diploma in Mechanical/Electrical/Electronics/ Automobile Engineers of State Board of Technical Education. It is the further contention of the Petitioner that the two posts namely Special Mechanics and Supervisor Grade II though they have same responsibilities, but the said two posts have different scales of pay and as such the principle of equal pay for equal work will apply to the above two categories of posts. Further, it is the contention of the Petitioner that in all the Central Govt. institutions and also in some Ports in India, Diploma Engineers are called as Junior Engineers. In the wage settlement under Section 12(3) of Industrial Disputes Act dated 6-12-94, there was a clause that the problems in respect of class IV and III employees can be locally discussed and settled. The Ministry of Surface and Transport also instructed the Indian Port Association by letter dated 20-7-95 to re-examine the problems of degree/diploma engineers and to submit their report. In view of the said letter, the Indian Port Association formed a Committee consisting of Chairman, Member Secretary and Two Members. The Indian Port Association Committee made its recommendations for re-designating the psots of Special Machinics and Supervisor Grade II as Junior Engineer Grade II and for designating the posts of Supervisor Grade I as Junior Engineer I and also they have recommended to revise the scales accordingly. But, even though the Indian Port Association has recommended for re-designation and also re-fixing of scales of pay of diploma holders, the said proposal has not been implemented till now. Therefore, the Petitioner Union has issued a strike notice under section 22 of the Industrial Disputes Act, demanding re-designation of Special Machanics and Supervisor Grade II as Junior Engineer Grade II and supervisor Grade I as Junior Engineer Grade I and also revising their pay scales on 18-11-2000. In which, conciliation was also made, but it was ended in a failure. But, even in that conciliation, the Port Trust has accepted that the Indian Port Association has recommended for re-designation and re-fixing the pay of diploma holders and they are awaiting for the sanction of the Ministry and thererfore, they cannot implement the same immediatley. On behalf of the Petitioner, it was contended that it is well within the power of Port Administration to implement the recommendations of Indian Port Association and therefore, they have raised the dispute before this Tribunal.

11. As against this, the 1st Respondent contended that in the 1st Counter Statement contended that it cannot be said that the two posts namely Special Machinics and Supervisor Grade II in Electrical and Mechanical Departments are having the same responsibilities. It is contended that Special Mechanics were appointed mainly for operation of the various sophisticated equipment and for doing quality maintenance jobs on sophisticated equipments, whereas the Special Mechanics are not entrusted with Supervisory duties, though their qualification of Special Mechanics may be the same as that of the Supervisor Grade II. But, I find this contention of the 1st Respondent has no substance because, on behalf of the Petitioner Union, it was contended that even for the supervisory staff posting for operation and maintenance for every day's work, charge handed over to the Special Mechanics by the Supervisors and again it was handed over by the Special Mechanics to the Supervisor Grade II

and this work was done as a day to day work and as such it cannot be said that Special Mechanics are not entrusted with supervisory duties. Thefore, I find no substance in the contention of the learned counsel for the Respondent.

12. The learned counsel for the Respondent relied on the rulings reported in 1982 3SCR 298 RANDHIR SINGH Vs. UNION OF INDIA & ORS. wherein the Supreme Court while considering the Driver/Constable in Delhi Police Force under Delhi Administration has given a finding that *"the Petitioner and other driver constables are getting lesser pay than the drivers in Railway Protection Force and other Govt. institutions, therefore, they made representation to the authorities wherein they stated that their pay scales should be the same as the drivers of heavy vehicles in other departments, and as their claims for better scales of pay did not meet with success, the present application has been filed by the Petitioner for the issue of Writ under Article 32 of the Constitution."*

13. The learned counsel for the Petitioner argued that the Supreme Court has held that equal pay must be given for equal work and the counsel for the Petitioner relied on the ruling 1986 I LLJ 134 DHIRENDRA CHAMOLI AND ANOTHER Vs. STATE OF U.P., wherein the Supreme Court while considering the employees engaged as casual worker on daily wage basis and not paid the same salary and allowances as Class IV employees, the Supreme Court held that *the argument envisaged in the Counter Affidavit is that since there are no sanctioned posts to which regular appointments can be made, the casual employees employed by different Nehru Yuvak Kendras cannot claim to receive the same salary and perquisites as class IV employees appointed regularly to sanctioned posts. But, while raising the argument, it is conceded in the counter affidavit that the persons engaged by Nehru Yuvak Kendras perform the same duties as is performed by Class IV employees appointed on regular basis against sanctioned posts. If that be so, it is difficult to understand how the Central Govt. can deny to these employees the same salary and conditions of service as class IV employees regularly appointed against sanctioned posts. It is peculiar on the part of the Central Govt. to urge that these persons took up employment with the Nehru Yuvak Kendras knowing fully well that they will be paid only daily wages and therefore, they cannot claim more. This argument lies till in the mouth of the Central Govt. for it is an all too familiar argument with the exploiting class and a welfare state committed to a socialist pattern of society cannot be permitted to advance such an argument"* and upholding the contention of the Petitioner, the Supreme Court has held that they are entitled to pay as that of class IV employees.

14. The counsel for the Petitioner further relied on the rulings in W.A. No. 1251 of 2000 by the Division Bench of the Madras High Court, wherein the Division Bench of the Madras High Court while considering the Assistant Engineers of Diploma Holders held that *"the persons/ Petitioners concerned promotion will be granted to them after making a common seniority list of Assistant Engineers who are graduate engineers and who are diploma holders also and further held that diploma holders are entitled to promotion on the basis of common seniority in pursuance of the decision as per guidelines provided by the Cental Govt. and the matter is pending for a very long time, the Port will be well advised to finish all these exercises within six months from today."* He further argued that in the same circular, the Ministry has also issued guidelines to implement the re-designation and also re-fixing of their scales of pay but still the Port Trust has not implemented the same because they are awaiting the santion of the Govt. and also from the Ministry of Finance. Therefore, the counsel for the Petitioner prays that an award may be passed in favour of the Petitioner Union as prayed for.

15. As against this, the learned counsel for the Respondent argued that no doubt the Indian Port Association has recommended in their report that diploma holders' re-designation and re-fixation of their pay were to be made. But the said report is only on recommendatory capacity and the matter is pending with the Ministry and the Ministry has not sanctioned the financial burden and therefore, they have not implemented the recommendations of the Indian Port Association and further contended that even assuming for an argument sake that the Govt. will implement the recommendations of Indian Port Association, it must be only prospectively and not retrospectively.

16. But, as the learned counsel for the Petitioner pointed out that the Indian Port Association has recommended this restructuring and re-designating the posts even in the year 1996 and still the Govt. is considering the proposal without passing any final orders. I find, there is no valied reason for rejecting the request of the Petitioner Union. Further, on behalf of the Petitioner Union, it is contended that there are about 149 Special Mechanics, 29 Supervisor Grade II and 109 Supervisor Grade I are there and the incumbents of posts have been getting minimum basic of Rs. 5500 and Rs. 6170 and therefore, even if the recommendations were effected, the financial commitment will be only marginal and in such circumstances, I find there is no point in the contention of the learned counsel for the Respondent that still the Ministry is considering the proposal and the matter is pending with the Ministry of Finance. It is well established that while the qualification and also the responsibility of two cadres namely Special Mechanics and Supervisor Grade II are the same, therefore, I find the re-designation requested by the Petitioner Union

is a valid one. Further, the Indian Port Association has also recommended for re-designation and also for re-fixing the salary of the above categories. Under such circumstances, the prayer of the Petitioner Union is to be accepted and I further find that the inordinate delay on the part of the Port Trust and also the Ministry of Shipping is arbitrary and violation of principles of natural justice.

17. Again, the learned counsel for the Respondent argued that even assuming for an argument sake without conceding that the salary in new scales will be fixed under Rule 22(a)(i) and (ii) and they further contended that as soon as the sanction is obtained from the Ministry of Shipping the Respondent will issue necessary orders and it will take effect only prospectively. But no reason was stated by the Respondent for giving the prospective effect, since it is a long pending and sine the Indian Port Association has recommended for re-designation and restructuring of pay scales of the diploma holders, I find the orders should be effected retrospectively and not prospectively. Hence, I find this point in favour of the Petitioner Union.

Point No. 2 :—

The next point to be decided in this case is to what relief the Petitioner is entitled ?

18. In view of my foregoing findings, I find the Respondents have to implement the demand of the Petitioner Union for redesignation and for refixation pertaining to Diploma Holders in the Respondent/ Management retrospectively from 1-1-1997. Ordered accordingly. No. Costs.

19. The reference is answered accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 5th April, 2004.)

K. JAYARAMAN, Presiding Officer

Witnesses Examined :—

On either side : None

Documents Marked : —

For the I party/Claimant :—

Ex. No.	Date	Description
W1	08-12-00	Xerox copy of the letter from the Respondent to Assistant Labour Commissioner (Central) regarding Strike notice issued by Petitioner Union.
W2	02-03-01	Xerox copy of the minutes of conciliation proceedings.
W3	23-04-01	Xerox copy of the letter from the Respondent to Pititioner Union.
W4	27-06-01	Xerox copy of the letter from Petitioner Unions to Secretary, Ministry of Surface Transport, New Delhi.
W5	01-04-02	Xerox copy of the letter from Indian Port Association to Director, Ministry of Shipping, New Delhi.
W6	Nil	Xerox copy of the statement showing financial impact on upgrading diploma & degree holder Engineers.
W7	Nill	Xerox copy of the port-wise financial impact on Upgrading diploma & degree holder engineers in various Revised pay scales.
W8	Nill	Xerox copy of the statement showing incidental as percentage of basic pay.
W9	Nill	Xerox copy of the proposal for cadre restructuring of Degree/diploma engineers of major ports.
W10	Nil	Xerox copy of the statement showing total number of posts in difference class IV/III posts to be abolished for saving .
W11	Nil	Xerox copy of the statement showing total emoluments per month in Class III/IV revised pay scales.
W12	Nil	Xerox copy of the statement showing number of live posts of diploma/ degree engineers and eligible for promotion.

For the II party/Management :—

Ex. No.	Date	Description
M1	24-12-02	Xerox copy of the letter from the Ministry of Shipping to Chennai Port Trust.
M2	24-01-03	Xerox copy of the letter from the Ministry of Shipping to Chennai Port Trust.
M3	28-05-03	Xerox copy of the letter from the Ministry of Shipping to Chennai Port Trust.

नई दिल्ली, 22 जून, 2004

का. आ. 1704.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स हिलसन एण्ड दिनशॉ लि., के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नं. 2, मुम्बई के पंचाट (संदर्भ संख्या 2/77 का 2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-6-2004 को प्राप्त हुआ था।

[सं. एल-31011/11/2003-आई. आर. (बी. II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 22nd June, 2004

S.O. 1704.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 2/77 of 2003) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Mumbai as shown in the Annexure in the Industrial Dispute between the employees in relation to the management of M/s. Hillson & Dinshaw Ltd., and their workmen, which was received by the Central Government on 21-6-04.

[No. L-31011/11/2003-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2 AT MUMBAI

Present :

Justice S. C. Pandey : Presiding Officer

REFERENCE NO. CGIT. 2/77 OF 2003

Parties : Employers in relation to the management of M/s. Hillson & Dinshaw Ltd.

The Chief Executive,
M/s. Hillson and Dinshaw Ltd.,
Marshall's Building, 2nd Floor,
Shoorji Vallabhdas Marg,
Mumbai-400 038.

And

Their Workmen

The President,
Transport and Dock Workers Union,
P. D. mello Bhawan,
Carnac Bunder,
Mumbai-400 038.

Appearances :

For the Employer : Shri S.D. Doss, Representative.

For the Workmen : Shri R.M. Murthy, Representative.

Mumbai, dated the 20th May, 2004

AWARD

The Government of India, Ministry of Labour by its Order No. L-31011/11/2003-IR (B-II), dated 31-10-03 in exercise of the powers conferred by clause (d) of sub-section-1 and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication :

> "Whether the action of the management of M/s. Hillson and Dinshaw Ltd., Mumbai in retrenching the services of S/Shri S.S. Singh, S.V. Surve, and T.S. Patil, Peons w.e.f. 1-11-2002 is justified or not? If not, what relief these three workers are entitled?"

2. A joint application dated 16-01-2004 has been filed on behalf of the parties (Ex-5) on 16-01-2004. It has been stated that the matter has been settled out of Court. The parties have filed the evidence of Settlement showing that the workmen have been paid the amounts as per receipts attached to Exhibit-5.

3. Both the parties desire that this Tribunal should dispose of this reference by stating that the dispute has been settled out of Court.

4. Accordingly this award is passed stating that owing to subsequent events, the dispute does not survive and reference is accordingly disposed of.

S. C. PANDEY, Presiding Officer

नई दिल्ली, 22 जून, 2004

का. आ. 1705.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या एल.सी.आई.डी.-164/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-6-2004 को प्राप्त हुआ था।

[सं. एल-40025/16/2004-आई. आर. (डी.यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 22nd June, 2004

S.O. 1705.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. LCID-164/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom. Deptt. and their workman, which was received by the Central Government on 22-6-04.

[No. L-40025/16/2004-IR (D.U.)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT:

Shri E. Ismail, B. Sc., LL.B., Presiding Officer

Dated the 29th day of April, 2004

INDUSTRIAL DISPUTE NO. L.C.I.D. 164/2002

Between:

Sri Md. Razab Ali,
S/o. Fakir Mohammad,
R/o Venkatadripet (V),
Stn. Ghanpur Mandal,
Warangal District. ....Petitioner

AND

1. The Divisional Engineer,
Railway Electrification Project,
(Telecom), Chennai-600 024.

2. The Telecom District Manager,
Warangal.

3. The Chief General Manager,
Telecom, A.P. Circle,
Door Sanchar Bhawan,
Abids,
Hyderabad. ..... Respondents

APPEARANCE:

For the Petitioner : Sri P. Suresh Kumar Advocate,

For the Respondent : M/s. S. Udayachal Rao, S. Lavanya Lakshmi, S. Vikramaditya Babu & S. Mujib Kumar, Advocates.

AWARD

This is a case taken under Sec. 2A (2) of the I.D. Act, 1947 in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others and numbered in this Court as L.C.I.D. No. 164/2002 and notices were issued to the parties.

2. In spite of several adjournments given from 20-3-2003 for enquiry of the Petitioner for 15 adjournments including 29-4-2004 the petitioner has not turned-out. In spite of number of adjournments the petitioner has failed to produce any evidence in support of his claim. There is nothing on record to substantiate the case of the Petitioner. Therefore, it is held that the petitioner is not entitled for any relief.

Accordingly a 'Nil' Award is passed, Transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 29th day of April, 2004.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner : Witnesses examined for the Respondent

NIL NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 22 जून, 2004

का. आ. 1706.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंडिकेट बैंक, के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नई दिल्ली के पंचाट (संदर्भ संख्या 78/95) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-6-2004 को प्राप्त हुआ था।

[सं. एल-12012/98/95-आई. आर. (बी- II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 22nd June, 2004

S.O. 1706.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 78/95) of the Central Government Industrial Tribunal-cum-Labour Court, New Delhi as shown in the Annexure in the Industrial Dispute between the emolpyers in relation to the management of Syndicate Bank and their workmen, which was received by the Central Government on 21-6-2004.

[No. L-12012/98/95-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT NEW DELHI

PRESENT:

Shri S. S. Bal : Presiding Officer

I.D. NO. 78/95

Shri Prem Chand,
Attender,
S/o. Shri Suraj Bhan,
R/o. Mohalla Kanoonga,
District Rewari (Haryana) ..... Workman

Versus

Assistant General Manager,
Syndicate Bank,
6, Bhagwan Dass Road,
Sarojini House,
New Delhi. ..... Management

AWARD

The Central Government in the Ministry of Labour by its Order No. L-12012/98/95-IR (B-II), dated 25-07-95 has referred the following industrial disputes to this Tribunal for adjudication :

> "Whether the action of the management of Syndicate Bank, New Delhi in dismissing Sri Prem Chand, Attender from service w.e.f. 12-6-93 is legal and justified? If not, to what relief is the said workman entitled?"

2. Thereafter the workman Sri Prem Chand Attender and Management filed claim statement and written statement respectively. Brief facts of this case as culled from record are that the workman Prem Chand was employed with the respondent bank as attender w.e.f. 1-3-73 to 24-6-93 and that during the period of his employment at Bawal branch subscribers S/Shri Sri Ram, Noor Karan and Manju Bala gave to him money/sums on different dates during the period 16-7-88 to 28-12-91 for depositing in their respective accounts. Sri Ram gave Rs. 100/- on 16-7-88 and Rs. 300/- on 28-12-91 on two occasions while Shri Noor Karan gave money on different dates between 1-3-88 to 4-5-90 Rs. 2000/-, Rs. 1000/, Rs. 5000, Rs. 700/-, Rs. 600/- and Rs. 650/- and Ms. Manju Bala gave Rs. 50/- each on occasions from 30-7-87 to 28-12-89. However, he (Prem Chand attender) did not deposit their afore said money/sums in the bank as requested by them but he made fictitious entries in their respective pass books of the abovesaid amounts/sums given to him by them. He was also alleged to have issued a new fictitious pass book of C.D. Account No. 1092 in the name of Ms. Manju Bala falsely showing/mentioning balance account therein of Rs. 1250/- instead of Rs. 1050/-. It was also alleged against him that he failed to pay overdue interest in respect of two cheques of Rs. 1600/- dated 27th November, 1990 and of Rs. 100/- dated 12-11-90 issued from his account and discounted the same from Rewari and Bawal Branches of the Mgt. Bank. The said cheques were initially dishonoured but he remitted the amount of the same without making payment of the overdue interest.

3. The aforesaid subscribers made complaints against him but he failed to give any satisfactory explanations about the said allegations. Hence an enquiry was conducted on the aforesaid allegations/charges. During the course of enquiry he (workman Prem Chand) partially admitted before the E.O. that he made fictitious entry of Rs. 300/- in the pass book of Sri Ram on 16-7-88 and also made fictitious entries in the pass book of Noor Karan in his S.B. Account No. 4464 of Rs. 2140/- on 6-1-1990 and of Rs. 1000/- on 4-5-1990 and 7 fictitious entries of Rs. 50/- each in the account No. 1092 of Ms. Manju Bala. However, he did not admit the second entry of Rs. 100/- dated 24-11-88 in the account of Sri Ram and he did not recollect if he issued new pass book to Ms. Manju Bala fictitiously mentioning therein the balance of Rs. 1250/- instead of actual amount of Rs. 1050/-.

4. Shri K.L.N. Joshi Enquiry Officer came to the conclusion that charges against Shri Prem Chand Workman were proved and consequently the penalty of dismissal from service was imposed upon him by the Disciplinary Authority and thus he was dismissed from service of attender vide order dated 12-6-93.

5. I have heard Shri T.C. Gupta counsel for the workman as well as Shri Rajesh Mahendroo Advocate counsel for the Management. Shri T.C. Gupta learned counsel for the workman assailed the enquiry as illegal and unfair, improper as the proceedings were not explained to the workman for the same were recorded in English and that the complainants were not examined and that he (the workman) was not afforded sufficient opportunity to adduce his evidence in defence. The learned counsel for the Management refuted the above contentions.

6. I have given my thoughtful consideration to the above contentions and perused the enquiry proceedings and the record meticulously. The perusal shows that the enquiry proceedings were conducted on four dates namely on 29-1-92, 10-3-92, 17-6-92 and 14-7-92 and the workman participated in the enquiry proceedings without any demur. According to the management he failed to adduce evidence in his defence at Rewari Branch on 14-7-92 though venue was fixed as per his convenience. The proceedings recorded on 14-7-92 are not legible and as such in my view the claim of the management that the workman did not attend the enquiry proceedings on 14-7-92 and produce his evidence in defence at the Rewari Branch of the Bank is not supported from the proceedings on record and as such I have no option but to conclude that no sufficient opportunity was granted to the workman to produce his evidence and examine his witnesses in defence. In view of this I was inclined to hold that the enquiry is vitiated but this circumatance looses significance in the face of his own admissions made in his claim statement and during enquiry. In his claim statement he mentioned at page 4 that in advertantly made fictitious entries in the respective pass books of the said subscribers Sri Ram and Noor Karan, without *mala fide* intentions merely to show his financial dealings with the above customers *i.e.* Sri Ram and Noor Karan. His defence that he made these entries in the respective pass books of the said customers in order to show his dealings with them does not appeal to reasons for, the entries in the pass books of account holders are only made to indicate that the Account holders/ subscirbers have deposited the amount in the Bank. The entries to show the dealings or to show that money has been lent to some other individual are not made in the

pass book. Entry to acknowledge debt is always made/ written separately. His partial admission in the written statement that he inadvertantly made fictitious entries in the respective pass books and duing the entire proceedings before the Enquiry Officer go to show that he made fictitious entries in the respective pass books of the aforesaid three customers without depositing their amounts in the Bank. Statement of MW1 and MW2 proves/ go to show that the amount was not deposited in the pass books of the subscribers. Thus it is proved that he made fictitious entries in the pass books of the aforesaid subscribers and misappropriated their amounts entrusted to him for depositing in the Bank. He has not denied that he did not discount aforesaid cheques and not paid the overdue interest; thus the charges against him, in my opinion stand established, and the enquiry report in my view does not suffer from any legal infirmity.

7. I have given my thoughtful consideration to the quantum of punishment awarded to the workman. He has infact not only misappropriated amount of the three subscribers mentioned above but also slured the name of the bank and punishment awarded to him commensurates with his conduct. The action of the Management in dismissing the workman Prem Chand Attender from service is legal and justified. I.D. is answered accordingly.

S. S. BAL, Presiding Officer

Dated : 10-6-2004.

नई दिल्ली, 22 जून, 2004

का. आ. 1707.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.आई.सी. ऑफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जयपुर के पंचाट (संदर्भ संख्या 31/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-6-2004 को प्राप्त हुआ था।

[सं. एल-17012/03/2001-आई. आर. (बी. II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 22nd June, 2004

S.O. 1707.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 31/ 2001) of the Central Government Industrial Tribunal-cum-Labour Court, Jaipur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of LIC of India and their workman, received by the Central Government on 21-6-04.

[No. L-17012/03/2001-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JAIPUR

Case No. CGIT-31/2001

Reference No. L-17012/03/2001 IR (B-II)

Shri Jitendra Sharma,
S/o Sh. C.L. Sharma,
R/o 3/493, Aravali Vihar,
Housing Board, Kala Kuan,
Alwar (Rajasthan)-301001 .....Applicant

Versus

The Sr. Divisional Manager,
LIC of India,
Bhawani Singh Road,
Jeevan Prakash Building,
Jaipur (Rajasthan)-302006 .....Non-applicants

Present :

Presiding Officer : Sh. R.C. Sharma

For the applicant : Sh. Suresh Kashyap

For the non-applicant : Sh. Anurag Aggarwal

Date of award : 19-5-2004

AWARD

1. The Central Government in exercise of the powers conferred under Clause 'D' of sub-section 1 of Section 10 of the Industrial Disputes Act, 1947 (hereinafter referred to as the Act) has referred the following industrial disputes for adjudication to this Tribunal which runs as under :—

> "Whether the action of the management of L.I.C. of India in terminating the services of Sh. Jitendra Sharma S/o Sh. Chiranji Lal Sharma w.e.f. 4-3-2000 and recruiting another workman in his place was legal and justified? If not, what relief the workman is entitled and from what date ?"

2. The workman in his statement of claim has pleaded that his name was sponsored by the employment exchange to the non-applicant management, who was selected to the post of Assistant after going through the interview and was appointed on 2-12-99 on the permanent post of the Assistant for an indefinite period. He uninterruptedly worked upto 3-3-2000, but on 4-3-2000 he was terminated from the service. He has further alleged that a letter was got written from him under coercion obtaining his consent to work for specified term of 85 days, which amounts to be unfair practice. The workman has further averred that the management had not published the seniority list of the employees in violation of Rules 77 & 78 under the Act. It is also the case of the workman that since his termination, one Sh. Tekchand Yadav was appointed by the management without offering him an opportunity of employment. Thus, the workman has alleged that the non-applicant mangement has violated the provisions under Sections 25-F and 25-H of the Act and he has urged that his termination order may be declared to be improper and

illegal and he may be reinstated in the service with its continuity and back-wages.

3. The non-applicants, in their counter, have denied the facts as alleged by the workman and have stated that the workman was employed for a specified period of 85 days and his termination as a result of non-renewal of contract of employment between him and the management on its expiry does not amount to retrenchment which falls under the provision of Section 2(oo)(bb) of the Act. They have specifically pleaded that he has worked from 2-12-99 to 24-2-2000 with the management and have denied any violation of the provisons under Sections 25-F and 25-H of the Act. They have admitted that Sh. Tekchand Yadav was employed after the termination of the workman but on the basis of the need of the work who worked with the management w.e.f. 9-3-2000 to 3-5-2000 only for a specified period of 85 days and after the expiry of the term of the contract his service too automatically came to an end.

4. On the pleadings of both the parties, the following points for determination were framed :—

(i) आया प्रार्थी की सेवा समाप्ति अधिनियम, 1947 की धारा 2 (ओओ) (बीबी) के अंतर्गत आने के कारण छँटनी के तहत नहीं आती ?

(ii) आया प्रार्थी की सेवा समाप्ति औद्योगिक विवाद अधिनियम, 1947 की धारा 25–एच व औद्योगिक विवाद (केन्द्रीय) नियम, 1957 के नियम–77, 78 का उल्लंघन कर की गई ?

(iii) प्रार्थी क्या सहायता प्राप्त करने का अधिकारी है ?

5. In the oral evidence, the workman has submitted his affidavit, who was cross-examined on behalf of the non-applicants and in the defence, the counter-affidavits of Sh. S K Gupta, Assistant Branch Manager and Sh. Rajendra Kumar, Assistant Administrative Officer have been filed, who were cross-examined on behalf of the workman.

6. In the documentary evidence, the workman has placed on record as many as 10 documents, whereas on behalf of the management, letter Ex. M-1, alleged to have been written by the workman has been submitted.

7. I have heard both the parties and have gone through the record. The point-wise discussion follows as under :—

Point No. I

8. The ld. representative for the workman contends that the workman was appointed by the management as Assistant on 2-12-99 who continuously worked upto 3-3-2000 and on 13-12-99 a letter (Ex. M-1) was got written from the workman to show that he was appointed for a stipulated period. His contention is that Section 2(oo)(bb) of the Act requires that there should be a contract, whereas the letter Ex. M-1 does not fulfil the requirements under the aforesaid Section and cannot be termed as a contract. The ld. representative further contends that the workman had worked upto 3-3-2000 which is proved on the basis of the copies of attendance register Ex. W-6 to Ex. W-8. One more fact he has highlighted on this point is that on 3-3-2000 the workman had prepared the voucher on 3-3-2000 Ex. W-9 for payment of bonus to one agent which bears his own signature. Therefore, his submission is that the workman had continuously worked from 2-12-99 to 3-3-2000, whose service was terminated in violation of the provision under Section 25-F of the Act.

9. Per contra, the ld. representative for the non-applicants contends that the workman was employed for a specific period, who in his cross-examination has admitted the letter Ex. M-1 and that no written contract was executed by the parties. He has also assailed the photocopies of the attendance register on the ground that they do not bear the signatures of the management authority and are fake. According to his contention, the voucher Ex. W-9 is an unfilled document which cannot be relied upon and can be prepared at any time.

10. I have bestowed my thoughtful consideration of the rival contentions and now I proceed to examine them.

11. The workman's case is that on 2-12-99 he was selected to the post of the Assistant who uninterruptedly worked up to 3-3-2000 and whose service was terminated on 4-3-2000 without following the mandate under Section 25-H of the Act. As against it, the management's case is that the workman was employed on contractual basis for a specified term of 85 days who performed from 2-12-99 to 24-2-2000. The undisputed facts are that the name of the workman was sponsored by the employment exchange and that the interview was conducted by the management for selection of the candidates. It has also been shown on behalf of the non-applicants that to discharge the pending work of the office, these appointments were made for a specific period.

12. The workman to substantiate his claim that he was appointed to the permanent post for an indefinite period could not bale to produce the copy of the appointment letter. To prove that he had worked up to 3-3-2000 under the employment of the management, he has relied upon the copy of the attendance register Ex. W-8 which pertains to the month of March, 2000. It bears the initials of the workman up to 3rd of March, 2000. On a perusal of the attendance register, it appears that it does not bear the signature of the concerned management authority. The management witness MW-2, Shri Rajendra Kumar has admitted that the attendance register Ex. W-5 bears his signature but for rest of the attendance registers, he has deposed that his signatures are not genuine but are forged one. Thus, on the basis of the attendance register Ex. W-8, it cannot be presumed that the workman had worked up to 3-3-2000.

13. Then it has also been contended on behalf of the workman that voucher Ex. W-9 was prepared by the workmen. On a glance at Ex. W-9 voucher, it appears that it does not bear the signature of the workman and the seal of the management put upon it bears the date only but neither it contains the particulars of the payment, nor the signature of the concerned official who had prepared it. Therefore, the plea of the workman is not fotified on the basis of this document.

14. On the other hand, on behalf of the non-applicants, it has been shown that the workman was appointed for a specified period of 85 days who has wilfully accorded his consent for acceptance of this employment vide his letter Ex. M-1 dated 13-12-99. This letter is in the handwriting of the workman wherein he has given his consent for employment of 85 days.

15. On behalf of the workman, this letter has been assailed on the ground that it was got written from him after putting him under the threat of the termination, but this fact has not been even corroborated by the documents filed on behalf of the workman himself. In his cross-examination, he has admitted that he has not complained before the higher authorities of the threat which was given to him. Similarly, he has placed on record the copies of his application Ex. W-1 and the rejoinder Ex. W-3 which he had submitted before the Assistant Labour Commissioner while raising the industrial dispute before him. But both these documents do not contain any averment of the workman indicating that a letter was got written from him by the management under coercoin. Therefore, the plea adopted by the workman before this Court appears to be an afterthought version and is not trustworthy. On the strength of this letter Ex. M-1, it appears that the workman was employed by the non-applicant management on a specified terms of 85 days to discharge the pending work of the office and on the expiry of the specified term, his appointment automatically came to an end. Thus, the termination of the workman falls under the purview of Section 2(oo)(bb) of the Act which does not tantamount to retrenchment. Accordingly, this point is answered in favour of the non-applicants and against the workman.

Point No. II

16. On behalf of the workman, it has been contended that after the termination of the workman, one Shri Tekchand Yadav was appointed by the management to the said post without offering an opportunity of employment to the workman. The non-applicant's case is that Tekchand Yadav was also employed for a specific term of 85 days and after the termination of this term, his contract was not renewed. They have specifically averred that Tekchand Yadav is not working with the management now.

17. The workman in his cross-examination has admitted that he has not submitted the appointment letter of Tekchand Yadav and he has admitted that he is not even familiar with him. He has stated that he had seen his appointment letter, but has further admitted that appointment letter was only shown to him by Tekchand which he had not gone through. On this point, the testimony of the workman is contradictory and cannot be relied upon.

18. Thus, neither the appointment letter of the fresh hand employed by the management after the termination of the workman could be brought on the record by the workman, nor the positive and reliable evidence has been adduced on his behalf to establish that the management has not followed the provision under Section 25-H of the Act. Accordingly, the workman has failed to prove this fact and this point is decided against him and in favour of the non-applicant management.

Relief

19. For the foregoing reasons, the workman could not be able to establish his claim, which deserves to be dismissed. Consequently, the reference is answered in the negative against the workman and in favour of the non-applicants and it is held that the order of the management terminating the service of the workman w.e.f. 4-3-2000 is just and legal. An award is passed in these terms accordingly.

R. C. SHARMA, Presiding Officer

नई दिल्ली, 22 जून, 2004

का. आ. 1708.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.आई.सी. ऑफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चेन्नई के पंचाट (संदर्भ संख्या 15/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-6-2004 को प्राप्त हुआ था।

[सं. एल-17011/18/2002-आई. आर. (बी. II)]
सी. गंगाधरण, अवर सचिव

New Delhi, the 22nd June, 2004

S.O. 1708.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 15/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of LIC of India and their workman which was received by the Central Government on 21-6-04.

[No. L-17011/18/2002-IR (B-II)]
C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Tuesday, the 18th May, 2004

Present : K. Jayaraman,
Presiding Officer

INDUSTRIAL DISPUTE NO. 15/2003

(In the matter of the dispute for adjudication under clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), between the Management of LIC of India and their workmen)

BETWEEN

The General Secretary Insurance Corporation Employees Union Tirunelveli. : I Party/Claimant

AND

The Management LIC of India, Divisional Office, Tirunelveli. : II Party/Management

Appearance :

For the Claimant : M/s D. Geetha, M. Murugan & Veda Ramya, Advocates

For the Management : Mr. P. V. Raghavan, Advocate

AWARD

The Central Government, Ministry of Labour vide Notification Order No.L-17011/18/2002-IR(B-II) dated 10-12-2002 has referred the following industrial dispute to this Tribunal for adjudication :—

> "Whether the punishment imposed by the LIC of India, to withhold one increment permanently on Shri S. Baskaran is justified? If not, what relief is he entitled to?"

2. After the receipt of the reference, it was taken on file as I.D.No. 15/2003 and notices were issued to both the parties and both the parties entered appearance through their advocates and filed their Claim Statement and Counter Statement respectively.

3. The allegations of the Petitioner Union in the Claim Statement are briefly as follows :—

The Petitioner Union espouses the cause of the concerned employee Sri S. Baskaran, who is working as Record Clerk in the Respondent Corporation at Tuticorin branch. He was appointed under the Respondent/ Management on 16-6-89. The LIC employees were given the facility of encashing their self-cheque in any of the LIC office up to certain limits. Making use of this facility, the concerned workman while he was at Madurai, encashed cheque No. 835617 dated 5-11-97 drawn on Bank of Maharashtra, Tuticorin branch for Rs. 500/- through F & A department, Madurai Divisional Office. But the said cheque was dishonoured by the bank for insufficient funds dated 10-11-97. So, the concerned employee was served with charge sheet dated 16-10-98 for misappropriation of funds under Regulations 21 and 24 read with Regulation 39(1) of the LIC of India (Staff) Regulations, 1960 and was imposed with punishment under Regulation 39(1)(b) of LIC of India (Staff) Regulation, 1960. Actually, the concerned workman has deposited Rs. 500/- through his colleague Sri Shanmugavel in his bank account at Tuticorin. For the said action of withdrawing Rs. 500/- the concerned workman was issued with charge sheet alleging that the concerned workman knowingly gave a wrong declaration in the encashment voucher that he had sufficient bank balance to cover the amount of cheque for its due encashment. Further, he was charged that he has failed not maintaining absolute integrity and acted in a manner detrimental to the interest of the corporation. The enquiry was conducted on the said charge on 22-10-98. When the enquiry was posted on 9-2-99 the concerned workman attended the enquiry. The permission to have an assistance of defence helper was rejected by the Enquiry Officer. The Enquiry Officer even before questioning the charges, called the Presenting Officer to mark the documents in proof of the charges and after marking, he started questioning the delinquent about the charges. The Presenting officer did not examine any witness on behalf of the manageement and failed to substantiate the charges. The enquiry conducted by the Enquiry Officer is arbitrary, unreasonable and violative of principles of natural justice and LIC of India (Staff) Regulations, 1960 and hence the same is liable to be set aside for the grounds that no witness was examined by the management to prove the charges, the Presenting Officer straight away cross examined the delinquent before the delinquent employee presented his case in chief, without submitting the case of the management, without examining the witnesses on behalf of the management, the Enquiry officer and Presenting Officer started examining the delinquent employee. The entire charge and the enquiry that followed was done after imposing the punishment on the delinquent employee. The findings of the Enquiry Officer submitted in his report is not based on evidence on records and the same is perverse and liable to be set aside. The management imposed the penalty of one increment permanently under the regulation is not valid legally. The chargesheet indicates the proposed punishment before the completion of enquiry which indicates the pre-determined mind of the management. The appeal filed by the Petitioner was also rejected. Hence, the Petitioner Union prays that the action of the Respondent/management in imposing the punishment on Sri S. Bhaskaran is illegal and hence the same is liable to be set aside and an award may be passed in favour of the concerned employee.

4. As against this, the Respondent in its Counter Statement alleged that it is true that concerned employee has encashed the cheque bearing No. 835617 dated 5-11-97 drawn on Bank of Maharashtra, Tuticorin branch for Rs. 500 the F & A department LIC of India, Madurai Divisional Office on 5-11-97 and the said cheque was dishonoured for the reason of insufficient funds. The concerned employee knowingly gave the wrong declaration in the encashment voucher that he had sufficient bank balance to cover the amount of the cheque on the date of encashment to cover the cheque amount and thus he has misappropriated the funds of the Corporation to the extent of Rs. 500. Therefore, he was called upon to give an explanation for the lapses on his part. Not satisfying with his explanation, an enquiry was ordered to be conducted and the Enquiry Officer sent a letter dated 5-10-98 to the concemed employee with regard to the enquiry on 22-10-98 and also stated that if the concerned employee requires assistance of a defence assistant, he may obtain necessary permission from the Disciplinary Authority, but the concerned employee has not availed of the opportunity given to him. After several adjournments of hearings, the Enquiry Officer again sent a letter dated 6-11-98 informing him that the enquiry will be held on 20-11-98. Even on that date, he failed to attend the enquiry. Therefore, the enquiry was adjoumed for 20-11-98. Similarly, the enquiry was postponed to 9-12-98, 16-12-98, 07-01-99, 09-1-99 and finally to 9-2-99. The concerned employee attended the enquiry and on that date again he requested permission to avail the services of the defence assistant. But, since he was given ample opportunity for engaging a defence assistant, it was refused on that date. Since the entire enquiry is based on records and in view of the admission of the charges by the concerned employee, there was absolutely no necessity to examine any witness in this case. Further, the concerned employee has inspected all the relevant documents Therefore, the enquiry conducted by the Enquiry Officer is fair and proper and after following the usual procedure, the penalty was imposed by an order dated 10-9-99, The concerned employee's appeal dated 20-12-99. to the Appellate Authority was also rightly rejected,. Even the employee's memorial submitted to the Chairman has also met with the same fate. The entire matter was on record and relevant papers were filed as exhibits and were made available to the employee. Therefore, it is false to allege that no full opportunity was given the employee to defend himself. The charge sheeted employee has not denied the charges but only sought to justify his lapses. Therefore, the punishment imposed by the management is legal and justified. Hence for all these reasons the respondent's pray may be dismissed with costs.

5. In these circumstances, the points for my consideration are:—

(i) "whether the punishment imposed by the Respondent/Management against Sri S. Bhaskaran is legal and justified?"

(ii) "to what relief the concerned employee is entitled?"

Point No. 1:—

6. The charges framed against the concerned employee namely Sri S. Bhaskaran, Record Clerk of the LIC of India, Tuticorin branch is that he has knowingly given a wrong declaration in the encashment voucher that he has sufficient balance on the date of encashment to cover the amount for its cheque for due encashment and thus, he has misappropriated the funds of the Corporation to the extent of Rs. 500. Before going into the case, we have to know the facts of this case. In LIC, the employees were given a facility of encashing their self-cheques in any of the LIC offices upto a certain limit. Making use of this facility, the concerned employee while he was working in Tuticorin, encashed a cheque bearing No. 835617 dated 5th November, 1997 drawn on Bank of Maharashtra, Tuticorin branch for Rs.500 through F & A Department, Madurai Divisional Office, Before encashment of the cheque, the Corporation obtained a declaration in the encashment voucher that he has sufficient bank balance to cover the amount of cheque for its due encashment. In this case, the cheque given by the concerned employee before the F & A department, Madurai Divisional Office was dishonoured by the bank for the reason of insufficient funds. So he was served with charge sheet under Regulation 21 and 24 of 39(1)(b) of the LIC of India (Staff) Regulations, 1960 and he was imposed with punishment of withholding one increrment permanently.

7. On behalf of the Petitioner Union, it is contended that no witness was examined by the management to prove the charges before the domestic enquiry and the Presenting Officer just presented the documents in the enquiry and he has not substantiated the charges by any witness, Further, the Enquiry Officer has allowed the Presenting Officer to straight away cross examine the delinquent even before the delinquent presented his case in chief. Without submitting the case of the management, and without examining any witness on behalf of the management, the Enquiry Officer and the Presenting Officer started examining the delinquent in cross examination, which is in total violation of principles of natural justice. Further, the entire charge and the enquiry was done after imposing the punishment on the delinquent employee and even before the enquiry, the management has conducted the preliminary enquiry and imposed the penalty of withdrawing the facility of encashing personal cheques and also deducted Rs. 530 including interest from the salary of the concerned employee. After imposing these penalties, the management has conducted the enquiry for a second time and issued charge sheet and conducted the enquiry again amounts to double jeopardy putting the employee to face enquiry twice for the same charges. Therefore, the findings of the Enquiry Officer is not based on any evidence on record and therefore, it is perverse

and liable to be set aside, Further, in a similar case of a sub-staff of Tuticorin branch, the Chairman modified the punishment by withholding one increment for one year alone whereas the concerned employee was punished with withholding of one increment permanently and this amounts to discrimination between similarly situated persons. Even though the concerned employee asked permission to have an assistance of defence helper,in the domestic enquiry his request was rejected without any ritham. Under such circumstances. the enquiry conducted by the Enquiry Officer is against the principles of natural justice and it is perverse and therefore, it is liable to be set aside. Further, the learned counsel for the Petitioner relied on the rulings reported in AIR 1963 SC 1914 SUR ENAMEL AND STAMPING WORKS LTD. Vs. WORKMEN, and 1967 II LLJ 392 MEENGIAS TEA ESTATE Vs. ITS WORKMEN, and also 1998 I LLJ 1057 THE SPECIAL OFFICER KANCHEEPURAM CENTRAL CO-OPERATIVE BANK LTD. Vs. DEPUTY COMMISSIONER OF LABOUR (APPEALS), MADRAS AND ANOTHER. In the first judgement cited above, the Supreme Court has held that *"the enquiry cannot be said to have been properly held unless—*

(i) the employee proceeded against has been informed clearly of the charges levelled against him;

(ii) the witnesses are examined ordinarily in the presence of the employee in respect of the charges;

(iii) the employee is given a fair opportunity to cross examine the witnesses;

(iv) he has given fair opportunity to examine the witnesses including himself in his defence if he so wishes on any relevant matter;

(v) the Enquiry Officer records his findings with reasons for the same in his report".

and the counsel for the Petitioner argued that in this case, nothing has been done as stated in the Supreme Court's direction and therefore, the enquiry alleged to have been conducted against the concerned employee is a farce on and therefore, it is liable to be set aside by this Tribunal. In the second cited case, the Supreme Court has held that *"if no evidence is tendered at the domestic enquiry in support of the charges made against the concerned workman and certain questions put to concerned workman by way of cross examination, the officers who were alleged to have been assaulted by the concerned workman also sitting as Enquiry Officer and cross examining the concerned workman and the concerned workman was not given any opportunity to cross examine them at the domestic enquiry, it is not an enquiry at all".* In the third judgement, the High Court has held that *"merely recording the statement of delinquent employee without the management making an attempt to substantiate the misconduct does not satisfy the requirement of holding an enquiry in accordance with rules and it would not satisfy the statutory requirements"* relying on all these judgements, the learned counsel for the Petitioner argued that the request for the assistance of a lawyer has been rejected by the Enquiry Officer and no witness was examined and nothing was substantiated before the enquiry and therefore, the punishment imposed by the departmental authorities is void, *ab initio* and therefore, the enquiry has to be set aside.

8. But, as against this, the learned counsel for the Respondent argued that the Enquiry Officer in a domestic enquiry is not a Court and the proceedings before him are not analogous to the proceedings before the criminal court, and since the provisions of Evidence Act do not apply to such an enquiry, the Enquiry Officer is not bound by the strict principles of Law of Evidence and in this case, the matter relating to dishonour of cheque given by the concerned employee to the LIC of India branch and all these allegations are borne out by the documents and the copies of these documents were given to the concerned employee and therefore, there is no necessity to examine any witness on the side of the management to substantiate the allegations because, the concerned employee has admitted the allegations that he has given the cheque which was dishonoured by the bank due to the reason of insufficient funds in his bank account. Under such circumstances, there is no substance in the contention of the learned counsel for the Petitioner and the documents marked are only the documents issued by the concerned employee. He further argued that the Enquiry Officer has sent a letter on 5-10-98 to concerned employee informing him that he proposed to conduct the enquiry on 22-10-98 and in that letter itself, the Enquiry Officer advised the concerned employee that if he requires assistance of a defence helper, he may obtain necessary permission from the Disciplinary Authority. However, on 22-10-98 the concerned employee was not present, but he informed through a telegram that he was sick and unable to attend the enquiry and therefore, the Enquiry Officer adjourned the enquiry to 6-11-98. The concerned employee failed to attend the enquiry even on 6-11-98, hence the enquiry was again adjourned to 20-11-98. Even on 20-11-98, the concerned employee failed to attend the enquiry, therefore, once again the concerned employee was informed about the adjournment to 9-12-98. But, similarly it was again postponed to 16-12-98 and 9-1-99 and finally to 9-2-99. Only on 9-2-99, he gave a letter to the Enquiry Officer, wherein he has requested for permission to avail the services of defence helper and praying for adjournment of the enquiry. But, the Enquiry Officer rightly rejected his request because even on 5-10-98 itself, he has informed the concerned employee to obtain necessary permission from the Disciplinary Authority as per the provisions for the assistance of a defence assistant. Under such circumstances, it is not a valid contention that his request

for defence assistance has been rejected by the Enquiry Officer. Since the enquiry was based on records and in view of the admission of the charges by the concerned employee, there was absolutely no necessity to examine any witness in this case. Further, the concerned employee has inspected all the relevant documents produced before the enquiry. Further, in the departmental enquiry, there is not rigid rule and further, examination of witness is not essential in each and every case. Since the charge sheet framed against the concerned employee is based on records and the documents produced are given only by the concerned employee and since the concerned employee has not denied these documents, the Enquiry Officer based his findings on these records. Further, in this case, the concerned employee has not raised any murmur about the fair and impartial manner in which the enquiry has been conducted. In this case, full and fair opportunity was given to the concerned employee to defend himself. Under such circumstances, it cannot be said that the enquiry held by the Enquiry Officer is vitiated and is void ab initio.

9. I find much force in the contention of the learned counsel for the Respondent because in this case a benefit was given to the employees of LIC of India in which Corporation has obtained a declaration in the encashment voucher that he had sufficient bank balance on the date of encashment to cover the amount of cheque for its due encashment. But, even though the concerned employee has contended that he has no knowledge of English and he has only signed his name in English and he has signed the declaration as usual, I find there is no substance in the contention of the concerned employee because he has served in the institution for a very long time and he has encashed his cheque for various times and therefore, under such circumstances, the explanation given by the concerned employee is not satisfactory. Further, it is a minor punishment imposed by the respondent to the concerned employee and in such circumstances, I find the punishment imposed by the management against the concerned employee is legal and justified.

Point No. 2 :—

The next point to be decided in this case is to what relief the concerned employee is entitled?

10. In view of my foregoing findings, I find the concerned employee is not entitled to any relief as claimed by the Petitioner Union. No costs.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 18th May, 2004.)

K. JAYARAMAN, Presiding Officer

Witnesses Examined :—

On either side : None

Documents Marked :—

For the I Party/Claimant : Nill

For the II Party/Management :—

Ex. No.	Date	Description
M1	16-7-98	Xerox copy of the charge sheet issued to Petitioner
M2	2-9-98	Xerox copy of the order appointing Enquiry Officer
M3	5-10-98	Xerox copy of letter from Enquiry Officer to concerned employee
M4	10-10-98	Xerox copy of letter from E.O. to branch manager.
M5	14-10-98	Xerox copy of certificate of posting for letter date 5-10-98
M6	22-10-98	Xerox copy of the enquiry proceedings
M7	22-10-98	Xerox copy of the letter from E.O. to CSE
M8	23-10-98	Xerox copy of certificate of posting for above
M9	24-10-98	Xerox copy of acknowledgement card.
M10	6-11-98	Xerox copy of enquiry proceedings.
M11	6-11-98	Xerox copy of the letter from E.O. to CSE
M12	20-11-98	Xerox copy of enquiry proceedings.
M13	20-11-98	Xerox copy of letter from E.O. to CSE
M14	9-2-99	Xerox copy of enquiry proceedings.
M15	Nil	Xerox copy of exhibits
M16	9-2-99	Xerox copy of letter from CSE to E.O.
M17	9-2-99	Xerox copy of letter of CSE to respondent
M18	16-2-99	Xerox copy of enquiry report
M19	21-7-99	Xerox copy of show cause notice
M20	20-8-99	Xerox copy of reply to show cause notice
M21	10-9-99	Xerox copy of order of Disc. Authority
M22	20-12-99	Xerox copy of appeal preferred by CSE
M23	3-3-2000	Xerox copy of order of appellate authority.
M24	31-5-2000	Xerox copy of memorial by CSE to Respondent
M25	2-9-2000	Xerox copy of the order of management on memorial.

नई दिल्ली, 22 जून, 2004

का. आ. 1709.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एल०आई०सी० ऑफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय चेन्नई के पंचाट (संदर्भ संख्या 14/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-6-2004 को प्राप्त हुआ था।

[सं. एल-17011/17/2002-आई.आर. (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 22nd June, 2004

S.O. 1709.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government here by publishes the Award (Ref. No. 14/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Chennai as shown in the Annexure, in the Industiral Dispute between the employers in relation to the management of LIC of India and their workman, which was received by the Central Government on 21-6-2004.

[No. L-17011/17/2002-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Tuesday, the 18th May, 2004

Present : K. JAYARAMAN,
Presiding Officer

INDUSTRIAL DISPUTE NO. 14/2003

[In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), between the Management of LIC of India and their workman]

BETWEEN

The General Secretary, Insurance Corporation Employees Union Tirunelveli.	: I Party/Claimant

AND

The Management : LIC of India, Divisional Office, Tirunelveli.	: IInd Party/ Management

APPEARANCE:

For the Claimant	:	M/s. D. Geetha, M. Murugan & Veda Ramya, Advocates
For the Management	:	Mr. P.V. Raghavan, Advocate

AWARD

The Central Government, Ministry of Labour vide Notification Order No. L-17011/17/2002-IR(B-II) dated 10-12-2002 has referred the following dispute to this Tribunal for adjudication :

"Whether the penalty imposed by the LIC of India, Divisional Office, Tirunelveli on Sri P. Muthuraman by reducing his pay by three stages vide order dated 31-3-1999 is legal and justified ? If not, what relief he is entitled to?"

2. After the receipt of the reference, it was taken on file as I.D. No. 14/2003 and notices were issued to both the parties and both the parties entered appearance through their advocates and filed their Claim Statement and Counter Statement respectively.

3. The allegations of the Petitioner Union in the Claim Statement are briefly as follows :—

The Petitioner Union is espousing the cause of the concerned employee Sri P. Muthuraman, who is working as Record Clerk in the Respondent company LIC of India, Tirunelveli Division from 28-1-85. On 5-8-97 he was served with a charge sheet alleging that he remained absent from his duties in an unauthorised manner without obtaining prior permission for specified periods and secondly he refused to accept the official communications on many occasions. For the alleged charges, the concerned employee submitted his reply on 11-8-97. But not satisfying with his explanation, the Respondent/Management has ordered an enquiry on the said charges. But the Enquiry Officer appointed by the management, conducted the enquiry in violation of principles of natural justice and in violation of LIC of India (Staff) Regulations, 1960. The concerned employee was not given reasonable opportunity to substantiate his case. No witness was examined by the management to prove the charges. The Presenting Officer just presented the documents in the enquiry and did not substantiate the charges by any witness. The relevance of the documents submitted by the Presenting Officer was also not substantiated. The Enquiry Officer allowed the Presenting Officer to straight away cross examine the delinquent employee, even before the delinquent employee. Live presented his case in chief. The entire charge and the enquiry that followed was done after imposing the punishment to the delinquent. The findings of the Enquiry Officer in his report is not based on any evidence on record and is perverse. The management imposed the penalty of reduction in basic pay by three stages permanently in the time scale and further ordered the period of absence from 19-4-97 to 4-8-97 to be treated as dies non. The proposed punishment is entirely different from getting the view of the delinquent employee about the enquiry report. Therefore, the report submitted by the Enquiry Officer is perverse and is not valid in law and therefore, the findings of the Enquiry Officer and the penalty imposed by the departmental authorities are arbitrary, unreasonable and violative of principles of natural justice. Hence for all these reasons, the Petitioner Union prays to set aside the

punishment and pass an award in favour of the concerned employee.

4. As against this, the Respondent in its Counter Statement contended that it is true that the concerned workman Sri P. Muthuraman was charge sheeted on 5-8-97 for his unauthorised absence from 19-4-97 to 4-8-97. Even for the letter dated 6-5-97 sent by the Respondent/ Management directing him to report for duty immediately, the same was returned to the office undelivered. Though the employee has sent a reply on 11-8-97, the Disciplinary Authority considered his reply and found that the concerned employee has admitted the charges has given reasons for his unauthorised absence which did not sound convincing, hence, he ordered for an enquiry. The enquiry was conducted on six days and the defence assistant and the Presenting Officer submitted their written brief. After going through the entire case, the Enquiry Officer has given his report dated 7-12-98 finding the employee guilty of the charges. After carefully considering the enquiry report and accepting the same, the Disciplinary Authority issued a show cause notice dated 23-1-99 to the concerned employee proposing to impose a penalty of reduction in the basic pay by five stages permanently under Regulation 39(1)(d) of LIC of India (Staff) Regulations, 1960. Even in the explanation, he has not denied the charges that he had not obtained prior sanction of leave, but he has stated that he sent an inland letter dated 24-4-97 and therefore, it is for the employee to establish with concrete evidence that he had in fact sent such a letter which he had failed to do so. The treatment of period of absence from 19-4-97 to 4-8-97 as dies non amounts to double punishment is false because non-payment of remuneration for the period of absence will not amount to penalty as principles of 'No work–No pay' applies. Therefore, the penalty imposed by the Respondent/Management against the concerned employee is legal and justified and therefore, the Respondent prays that the claim may be dismissed with costs.

5. In these circumstances, the points for my consideration are—

(i) "Whether the penalty imposed by the Respondent/ Management against Sri P. Muthuraman is legal and justified?

(ii) "To what relief the concerned employee is entitled?"

Point No. 1 :—

6. In this case, the charges framed against the concerned employee Sri P. Muthuraman, Record, Clerk, whose cause the Petitioner Union is espousing, are that he has absented from duty from 19-4-97 without obtaining any prior permission of the competent authority or any intimation thereafter in writing or any leave letter, secondly, even after the registered notice dated 6-5-97 sent by the Manager directing him to report for duty immediately, the same was returned to the office undelivered. In this case, there is no dispute with regard to the fact that the concerned employee namely Sri P. Muthuraman has absented from duty from 19-4-97 to 4-8-97. On behalf of the Petitioner Union, it was contended that the enquiry conducted against the concerned employee was not just and proper and no witness was examined by the management to prove the charges and the Presenting Officer just presented the documents in the enquiry and did not substantiate the charges by any witness and also the relevance of the documents submitted by the Presenting Officer was also not substantiated. Further, the concerned employee was not permitted to engage a counsel even after his request. In the enquiry, the Presenting Officer has straightaway cross examined the delinquent even before the delinquent employee presented his case in chief and further, the procedure followed by the Enquiry Officer is in violation of principles of natural justice and the findings given by the Enquiry Officer is perverse and liable to be set aside. On the Petitioner side, no document was filed and no witness was examined. On the other hand, on the side of the Respondent/Management Ex. M 1 to M 14 namely enquiry proceedings were marked.

7. The learned counsel for the Petitioner argued that the entire charges and the enquiry was done after imposing the punishment on the delinquent and even before the enquiry, the Respondent/Management has conducted the preliminary enquiry and treated the leave taken by the delinquent as leave on loss of pay. This decision was taken at the Divisional Office level and the same was entered in the leave register. While so, the management for the 2nd time issued charge sheet and conducted the enquiry again amounts to double jeopardy, putting the concerned employee to face the enquiry twice for the same charges. But, I find no substance in this contention because the treatment of period of absence from 19-4-97 to 4-8-97 by the concerned employee as dies non will not amount to double punishment and the non-payment of remuneration for the period of absence will not amount to penalty because the principles of no work no pay applies in this case. Therefore, I find there is no point in the first contention of the learned counsel for the Petitioner.

8. The next contention of the learned counsel for the Petitioner is that the Enquiry Officer submitted his report without basing the case on any evidence on record and the same is perverse and liable to be set aside. He further argued that the Enquiry Officer has arrived at the conclusion that the charges are proved without any evidence on the side of the management and no witness was examined on the side of the management and he put some questions to the concerned employee and has come to the conclusion that the charges framed against him were proved. Further, the Presenting Officer has filed certain documents and without examining any witness and without marking documents and without any substance in the contention of the Respondent/Management, the Enquiry Officer has come to the conclusion that the charges have been proved and therefore, the procedure adopted by the Enquiry Officer is against the principles of natural justice and he relied on the rulings reported in AIR 1963 SC 1914

SUR ENAMEL AND STAMPING WORKS LTD. Vs./ WORKMEN, wherein the Supreme Court has held that "*the enquiry cannot be said to have been properly held unless—*

(i) the employee proceeded against has been informed clearly of the charges levelled against him;

(ii) the witnesses are examined ordinarily in the presence of the employee in respect of the charges;

(iii) the employee is given a fair opportunity to cross examine the witnesses;

(iv) he has given fair opportunity to examine the witnesses including himself in his defence if he so wishes on any relevant matter;

(v) the Enquiry Officer records his findings with reasons for the same in his report"

In this case, the Enquiry Officer who was appointed to enquire the charges framed against the concerned employee has not followed the principles laid down by the Supreme Court and therefore, the finding given by the Enquiry Officer is against the principles of natural justice. Again, the learned counsel for the Petitioner relied on the rulings reported in 1967 II LLJ 392 MEENGlAS TEA ESTATE Vs. ITS WORKMEN, wherein the Supreme Court has held that "*if no evidence tendered at the domestic enquiry in support of the charges made against the concerned workman and certain questions put to concerned workman by way of cross examination, the officers who were alleged to have been assaulted by the concerned workman also sitting as Enquiry Officer and cross examining the concerned workman and the concerned workman was not given any opportunity to cross examine them at the domestic enquiry, it is not an enquiry at all*". Further, the counsel for the Petitioner relied on the rulings reported in 1998 I LLJ 1057 SPECIAL OFFICER, KANCHEEPURAM CO-OPERATIVE CREDIT SOCIETY Vs. DEPUTY COMMISSIONER OF LABOUR (APPEALS), MADRAS AND ANOTHER wherein the High Court has held that "*merely recording the statement of delinquent employee without the management making an attempt to substantiate the misconduct does not satisfy the requirement of holding an enquiry in accordance with rules and it would not satisfy the statutory requirements*" and the counsel for the Petitioner further argued that the enquiry alleged to have been conducted against the Petitioner is not an enquiry at all and therefore, it has to be set aside.

9. As against this, the learned counsel for the Respondent argued that though in this case, the concerned employee denied the charge that he had been unauthorisedly absented, the fact that he had violated the provisions under Regulation 61 of LIC of India (Staff) Regulations, 1960 is very well established. The said Regulation 61 says—

"(a) *leave is earned by duty or service;*

(b) *it cannot be claimed as a matter of right*".

When the exigencies of service of the corporation so require discretion of refuse or revoke leave of any description is reserved to the authority empowered to grant it.

Explanation :—Sanction of leave may not be presumed and leave asked for not be availed of unless it has been specifically sanctioned.

(n) *the employee shall before proceeding on leave intimate to the Competent Authority his address while on leave and shall keep the authority informed of any change in the address previously furnished.*"

In this case, the concerned employee has admitted even in the explanation to the charge sheet that he has absented for duty from 19-4-97 to 4-8-97 and he has further admitted that he has not obtained prior sanction of leave, though he has stated that he had sent an inland letter dated 24-7-97, the Petitioner has not substantiated his claim with any material proof and he has not established with concrete evidence that in fact he had sent such a letter, which he failed to do so. Even assuming for an argument sake, that he has sent this letter for his absence from duty from 19-4-97 to 4-8-97, it clearly established that he has absented from duty without prior sanction of leave and under such circumstances, it is clearly established by the management that he had violated the provisions of Regulations 61 of LIC of India (Staff) Regulations, 1960. Though the Petitioner argued that no witness was examined in this enquiry, it cannot be said that in each and every enquiry, witness must be examined and further, in this case the documents relied on by the management are only provisions of LIC of India (Staff) Regulations, 1960 and copies of charge and since the absence from duty of the concerned employee has been established before the enquiry and therefore, it cannot be said that the witness must be examined for making all these things. Since, the concerned employee has violated the provisions of LIC of India (Staff) Regulations, the Petitioner has to establish the negative namely that he has not violated the said provisions and he has applied for leave and it was sanctioned by the competent authority. In this case, it is not established by the concerned employee that he has applied for leave prior to his absence from duty and in such circumstances, the arguments of the learned counsel for the Petitioner have no point. Again, the learned counsel for the Respondent argued that the documents were marked straight away without examining the witness is also without any merits because the documents marked in the enquiry are only leave particulars of the Petitioner and notice issued to the concerned employee which was returned unserved and other documents were only explanation given by the concerned employee. Under such circumstances, the argument that documents were marked without examining the witnesses is of no use.

10. Then the learned counsel for the Petitioner argued that for the unauthorised absence of the concerned employee, the punishment imposed by the management is harsh and therefore, the Tribunal has to set aside the order of punishment as vitiated and as perverse.

11. But, I find there is no substance in the contention of the learned counsel for the Petitioner because it is a petitioner under section 2k of the Industrial Disputes Act,

1947 and under such circumstances, the discretion given under section 11A of the Industrial Disputes Act, 1947 cannot be invoked. As such, I find the concerned employee has unauthorisedly absented for duty from 19-4-97 to 4-8-97 and after due enquiry the Respondent/Management has come to the conclusion that the charges framed against the concerned employee has been proved and imposed the punishment. Under such circumstances, the Tribunal cannot interfere with the punishment imposed by the Respondent/Management on the concerned employee. As such, I find this point in favour of the Respondent/ Management.

Point No. 2 :—

The next point to be decided in this case is to what relief the concerned employee is entitled?

12. In view of my foregoing findings that the penalty imposed by the Respondent/Management on the concerned employee Sri P. Muthuraman is legal and justified, I find the concerned employee is not entitled to any relief as claimed by the Petitioner Union. No Costs.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 18th May, 2004).

K. JAYARAMAN, Presiding Officer

Witnesses Examined :—

On either side : None

Documents Marked : Nil

For the II Party/ Claimant :

For the II Party/Management :

Ex. No.	Date	Description
M1	05-08-97	Xerox copy of the charge sheet issued to Petitioner
M 2	11-08-97	Xerox copy of the reply from concerned employee to Respondent
M 3	2-05-98	Xerox copy of the order appointing Enquiry Officer
M 4	Nil	Xerox copy of the enquiry proceedings
M 5 series(7)		Xerox copy of the management exhibits marked in enquiry
M 6 series(6)		Xerox copy of the defence exhibits marked in enquiry
M 7	07-12-98	Xerox copy of the enquiry report.
M 8	23-01-99	Xerox copy of the show cause notice
M 9	19-02-99	Xerox copy of the reply to the show cause notice
M 10	31-03-99	Xerox copy of the order of Disciplinary Authority
M 11	25-08-99	Xerox copy of the order of Appellate Authority
M 12	29-06-2000	Xerox copy of the order of Chairman on Memorial
M 13	11-11-98	Xerox copy of the written submissions of presenting Officer
M 14	21-11-98	Xerox copy of the written submissions of defence assistant.

नई दिल्ली, 22 जून, 2004

का. आ. 1710.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केनरा बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 2, मुम्बई के पंचाट (संदर्भ संख्या 2/69 का 2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-6-2004 को प्राप्त हुआ था।

[सं. एल-12011/92/2003-आई.आर. (बी.- II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 22nd June, 2004

S.O. 1710.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.2/69 of 2003) of the Central Government Industrial Tribunal-cum-Labour Court, No. 2, Mumbai as shown in the Annexure, in the Industiral Dispute between the employers in relation to the management of Canara Bank and their workman, which was received by the Central Government on 21-6-2004.

[No. L-12011/92/2003-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, AT MUMBAI

PRESENT:

JUSTICE S. C. PANDY, Presiding Officer

REFERENCE NO. CGIT-2/69 OF 2003

Employers in relation to the Management of Canara Bank

The General Manager,
Canara Bank,
14th Floor, Maker Tower 'E',
Cuffe Parade, Colaba,
Mumbai-400 005

AND

THEIR WORKMEN

The Working President
Canara Bank Karmachari Sena,
Canara Bank, Warden House,
Fort, Mumbai-400 001

APPEARANCES:

For the Employer : Sri Das, Representative

For the Workmen : Absent

Mumbai, dated the 12th May, 2004

AWARD

This is a reference made by the Central Government under clause (b) of Sub section 1 of Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (the Act for short). The terms of reference are as follows :

"Whether the action of the management of Canara Bank, Mumbai in terminating the services of Shri Parshant Suresh Sawant w.e.f. 6-6-2002 is justified? If not, what relief the concerned workman is entitled to?"

2. It appears that on 9-1-2004 an application has been filed by the workman which is authenticated by Shri S.K. Kolte, Working President, Canara Bank Karamchari Sena stating that the workman does not want to pursue the reference.

3. In view of the aforesaid statement made on behalf of the workman no useful purpose can be served by issuing fresh notice to the workman. This reference is disposed of by stating that the dispute referred to this Tribunal does not survive because the workman does not want to prosecute it. Accordingly, this reference is disposed of.

JUSTICE S. C. PANDEY, Presiding Officer

नई दिल्ली, 22 जून, 2004

का. आ. 1711.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आन्ध्रा बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय हैदराबाद के पंचाट (संदर्भ संख्या 199/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-6-2004 को प्राप्त हुआ था।

[सं. एल-12011/165/99-आई.आर. (बी. II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 22nd June, 2004

S.O. 1711.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.199/2002) of the Central Government Industrial Tribunal-cum-Labour Court Hyderabad as shown in the Annexure, in the Industiral Disputes between the employers in relation to the management of Andhra Bank and their workman, which was received by the Central Government on 21-6-2004.

[No. L-12011/165/99-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT:

E. ISMAIL, Presiding Officer

Dated the 16th day of April, 2004

INDUSTRIAL DISPUTE NO. 199/2002

(Old I.D. No. 13/2000 transferred from Industrial Tribunal-I, Hyderabad

BETWEEN:

The Joint Secretary, ... Petitioner
Andhra Bank Award Employees Union
506 V Floor, Taramandal Complex,
Saifabad, Hyderabad-500004.

AND

The Dy. General Manager,
Andhra Bank, Head Office,
5-9-11, Secretariat Road,
Saifabad, Hyderabad-500004. ..... Respondent

APPEARANCES:

For the Petitioner : M/s G. Vidyasagar, K. Udaysri, P. Sudheer Rao & D. Madhusudan, Advocates.

For the Respondent : M/s S. Udayachal Rao, S. Lavanya Lakshmi, S. Vikramaditya Babu & S. Mujib Kumar, Advocates

AWARD

The Government of India, Ministry of Labour by its order No. L-12011/165/99-IR (B.II) dated 23-2-2000 referred the following dispute under Section 10(1)(d) of the I.D. Act, 1947 for adjudication to the Industrial Tribunal-I, Hyderabad between the management of Andhra Bank and their workman. In view of Government of India Ministry of Labour's Order No. H-11026/1/2001-IR(C.II) dated 18-10-2001 this case has been transferred to this Tribunal bearing No. 13/2000. The reference is,

SCHEDULE

"Is the management of Andhra Bank, Hyderabad, justified in terminating Smt. T. Chinna Lakshmamma, Part-time Sweeper from services after utilizing her services for several years? If not, what relief is the disputant concerned is entitled to?"

This reference is numbered in this Tribunal as I.D. No. 199/2002 and notices were issued to the parties.

2. In spite of several adjournments given from 23-7-2003 for Petitioner's cross examination for 13 adjournments including 16-4-2004 the petitioner has not turned-out. There is nothing on record to support the case of the Part-time Sweeper. Therefore, the reference is ordered against the petitioner and it is held that the petitioner is not entitled for any relief.

Accordingly a 'Nil' Award is passed, Transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 16th day of April, 2004.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witness examined for the Petitioner	Witness examined for the Respondent
NIL	NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 22 जून, 2004

का. आ. 1712.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार न्यू इंडिया एश्योरेन्स कं. लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जयपुर के पंचाट (संदर्भ संख्या 49/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-6-2004 को प्राप्त हुआ था।

[सं. एल-17012/10/2001-आई.आर. (बी. II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 22nd June, 2004

S.O. 1712.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.49/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Jaipur as shown in the Annexure, in the Industiral Dispute between the employers in relation to the management of The New India Assurance Co. Ltd. and their workman, which was received by the Central Government on 15-6-2004.

[No. L-17012/10/2001-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- CUM-LABOUR COURT, JAIPUR

CASE NO. CGIT-49/2001

Reference No. L-17012/10/2001-IR (B-II)

Sh. Mangi Lal,
S/o Sh. Bodha Ram,
R/o Chobey Ka Mohalla,
Tehsil Behror,
Alwar (Rajasthan) ....Applicant

Versus

The Zonal Manager,
The New India Assurance Co. Ltd.,
Regional Office,
Nehru Place, Tonk Road,
Jaipur (Rajasthan)-302006 .....Non-applicant

PRESENT:

Shri. R.C. Sharma, Presiding Officer

For the Applicant : Sh. S.P. Singh
For the Non-applicant : Sh. Pradeep Singh
Date of Award : 24-5-2004

AWARD

1. The Central Government in exercise of the powers conferred under Clause 'D' of Sub-section 1 of Section 10 of the Industrial Disputes Act, 1947 (herein after referred to as the Act) has referred the following industrial disputes for adjudication to this Tribunal which runs as under :—

> "Whether the action of the management of New India Assurance Co. Ltd. in terminating the service of Shri Mangi Lal is legal and justified? If not, what relief the concerned workman is entitled to?"

2. After hearing both the parties on the preliminary issue of the fairness of domestic enquiry, this Court vide its order dated 17-12-2003 has held the domestic enquiry to be improper and unfair.

3. On 8-3-2001, the non-applicant petitioned before this Court that since the domestic enquiry conducted against the workman was declared to be improper and unfair, he want to lead the evidence in support of the charge before the Court. The non-applicant has, therefore, sought the permission of the Court to lead his evidence.

4. Contesting the application, on behalf of the workman it has been urged that the employer can make a request before the Court for leading the evidence only before the closure of the proceedings, which he has not made in his written statement and, therefore, he is not entitled to lead the evidence. Alternatively, it has been pleaded that in the event of permitting the employer to produce the evidence, the subsistence allowance may be granted in favour of the workman.

5. I have heard both the parties and have gone through the record.

6. The ld. representative for the non-applicant contends that the non-applicant could not make a request in his written statement for producing the evidence in support of the charge levelled against the workman in the

event if the enquiry is found to be improper. After the said order of the Court, the non-applicant has now moved before this Court, who may be permitted to adduce the evidence.

7. Arguing contra, the ld. representative for the workman vehemently contends that the non-applicant now cannot be permitted to lead the evidence since no such request could be made on his behalf in the written statement. In support of this contention, the ld. representative has referred to **AIR 2001 SC 2090** (Karnataka State Road Transport Corporation Vs. Smt. Laxmi Devemma & Anr.). The ld. representative has further submitted that by a majority judgment, it has been decided that if no request has been made on behalf of the employer prior to the closure of the proceedings, then subsequently the employer cannot be permitted to lead the evidence. On the other hand, the ld. representative for the non-applicant submits that in view of the majority judgment the aforementioned authority supports the submission of the non-applicant and the discretion lies with the Tribunal. Thus, both the parties have placed their reliance upon **AIR 2001 SC 2090.**

8. I have bestowed my thoughtful consideration to the rival contentions and have carefully gone through the judicial pronouncement cited before me.

9. This Court vide its order dated 17-12-2003 has held the domestic enquiry conducted against the workman as unfair and improper. The non-applicant could not incorporate the request in his counter-statement that in the event of terming the domestic enquiry to be improper, he should be permitted to lead the evidence to substantiate the charge levelled against the workman. It was only after the pronouncement of the order on 17-12-2003 that an application behalf of the non-applicant was moved before this Court on 8-3-2004 seeking an opportunity to adduce the evidence to prove the charge levelled against the workman.

10. Both the ld. representative have placed their reliance upon the decision rendered in the case of **Karnataka State Road Transport Corporation Vs. Smt. Laxmi Devemma & Anr.** cited in **AIR 2001 SC 2090** wherein a question came up for consideration before the Hon'ble Apex Court as to the entitlement of the employer in the law to adduce the additional evidence in a proceeding before the Labour Court under Sections 10 or 33 of the ID Act questioning the legality of the order terminating the service must be availed of by the employer by making a proper request at the time when it files the written statement.

11. Now, the question which emerges out for consideration before this Court is as to whether in view of the afore-cited pronouncement of the Hon'ble Apex Court, the request made on behalf of the non-applicant to lead the evidence can be allowed even if this plea was not set out in the counter statement by him that in the event of the treating the enquiry as bad by the Tribunal, he should be permitted to adduce the evidence to prove the charge imputed against the workman.

12. The decision in the aforesaid case was rendered by a Bench of five Hon'ble Judges. Hon'ble Justice Hegde while addressing for Hon'ble Justice Bharucha and himself has followed the view as laid down in the case of **Sambhu Nath Goyal Vs. Bank of Baroda & Ors.** reported in **1984(1) SCR 85** and has observed as below :—

> **"The rights which the employer has in law to adduce additional evidence in a proceeding before the Labour Court or Industrial Tribunal either under Section 10 or Section 33 of the Industrial Disputes Act questioning the legality of the order terminating the service must be availed of by the employer by making a proper request at the time when it files its statement of claim or written statement or makes an application seeking either permission to take certain action or seeking approval of the action taken by it."**

13. Thereafter, Hon'ble Justice has expressed the view as under :—

> **"For the reasons stated above, we are of the opinion that the law laid down by this Court in the case of Shambu Nath Goyal V. Bank of Baroda and others, 1984(1) SCR 85 is the correct law on the point."**

14. Hon'ble Justice Shivaraj V. Patil while writing the judgment for Hon'ble Justice Khare and himself has expressed in the beginning as below :—

> **"After going through the draft judgment prepared by N. Santosh Hegde, J., we respectfully agreed with the same. Having gone through the draft judgment prepared by Y.K. Sabharwal J., received later, we felt the necessity of adding the following few lines."**

15. But Hon'ble Justice Patil has further added that **"the question as to at what stage the management should seek leave of the Labour Court/Tribunal to lead evidence/ additional evidence justifying its action is considered in the draft judgement of Hegde, J. and not the power of the Court/Tribunal requiring or directing the parties to produce evidence if deemed fit in a given case having regard to the facts and circumstances of that case. As per Section 11(1) of the Industrial Disputes Act, 1947 (for short the 'Act') a Court/Tribunal can follow the procedure which it Thinks fit in the circumstances of the case subject to the provisions of the Act and the Rules framed thereunder and in accordance with the principles of natural justice. Under Section 11(3), Labour Court/Tribunal and other authorities mentioned therein have the same powers as are vested in a civil court, under the Code of Civil Procedure when trying a suit in respect of certain matters which include enforcing the attendance of any person and examining him on oath and compelling the production of documents and material objects."**

16. Furthermore, this judgement expounds the principle as below :—

"We reiterate **that in order to avoid unnecessary delay and multiplicity of proceedings, the management**

has to seek leave of the court/tribunal in the written statement itself to lead additional evidence to support its action in the alternative and without prejudice to its rights and contentions. But this should not be understood as placing fetters on the powers of the court/tribunal requiring or directing parties to lead additional evidence including production of documents at any stage of the proceedings before they are concluded if on facts and circumstances of the case it is deemed just and necessary in the interest of justice."

17. Thus, as per this judgment, a duty is cast upon the employer to seek the leave of the Court in his counter statement to lead the evidence to establish the charges against the workman, but it does enable the Court to permit the parties to lead the evidence at any stage of the proceedings before they are concluded if on facts it is deemed to be proper.

18. In the judgment delivered by the Hon'ble Justice Y. K. Sabharwal while dissenting with the views expressed by Hon'ble Justice Hegde, Hon'ble Justice Sabharwal has expressed his views as quoted below :—

"In various decisions rendered by this Court, it has been held that such a request can be made before the proceedings are closed (before) the Labour Court/ Tribunal. There is no compelling reason to limit the exercise of discretion by the Labour Court/Industrial Tribunal to examine such a prayer on its own merit and decline it if not considered to be bona fide and made to delay the proceedings and to wreck the morale of the workman and compel him to surrender, to use the language of, Shambhu Nath Goyal's case (supra). Ordinarily such a request when made immediately after the decision of the preliminary issue deserved to be allowed as held in Shankar Chakravarti's case prior to its collaboration by Justice Desai in Shambhu Nath Goyal's case. If such a request is made soon after the enquiry is held to be invalid and the Labour Court holds it to be bona fide and further holds that no prejudice would be caused to the workman, there is no reasons still to shut the employer when it has been rightly held, time and again, that the employer has the right to adduce the evidence before the Labour Court in case of no enquiry or invalid enquiry. In such proceedings pleadings do not deserved to be strictly construed."

19. Thus, on a careful perusal of the judicial pronouncement supra, it is manifestly clear that the five Judges Bench of the Hon'ble Apex Court in the aforesaid pronouncement by the 3:2 majority has laid down that on declaring the domestic enquiry as improper by the Tribunal, if the request could not be embodied in the counter-statement on behalf of the employer to adduce the evidence and if the request is made soon after the pronouncement of the order, then such an urge on facts of the each case can be considered and the employer may be permitted to lead the evidence to substantiate the charge.

20. In the light of this principle propounded by the majority judgment supra, the contention canvassed on behalf of the workman that if the employer has failed to incorporate such a request in his written statement, he cannot be permitted to lead the evidence is wholly misconceived and is accordingly repelled.

21. That takes me to the determination of the question as to whether in the present case on its facts and circumstances, the non-applicant can be permitted to adduce the evidence, who has not sought such permission in his counter-statement prior to the pronouncement of the order dated 17-12-2003 of this Court whereby the enquiry was held to be improper. This prayer on behalf of the non-applicant has to be examined on its own merit and *bona fides* and the fact whether it is made to delay the proceedings and that no prejudice would be caused to the workman if it is allowed.

22. On perusal of the record, it is revealed that the workman, who was a cleaner (safaiwala) employed by the non-applicant management, was chargesheeted on 27-3-96 with the allegation of remaining on unauthorised leave and after the completion of the enquiry, his service was terminated on 29-5-2000. The non-applicant management prosecuted him for remaining unauthorized leave for a period of 370 days and it was also shown on behalf of the management that the workman participated only on one occasion during the course of the domestic enquiry but even then the enquiry was prolonged and it was concluded almost after the length of about four years and two months since serving the chargesheet on the workman. Such a negligent conduct on the part of the management is further reflected from the fact that even after declaring the enquiry unfair vide order dated 17-12-2003, the application on behalf of the non-applicant seeking the permission to adduce the evidence was moved on 8-3-2004 after seeking the adjournments from the Court. Thus, the prayer to lead the evidence could not even be made by the employer soon after the pronouncement of the order and it casts the shadow of a reasonable doubt on the *bona fide* of the employer. This factor can also be looked that the imputation against the workman is of lesser gravity in its nature.

23. On a careful examination of the facts and circumstances of the case available on the record, in my considered opinion, it would not be just and proper to allow the employer to lead the evidence in support of the charge before this court. Accordingly, the request made on behalf of the employer to produce the evidence is declined.

24. Since the domestic enquiry conducted against the workman has been declared as improper and unfair and the management has not been permitted to lead the additional evidence in support of the charge levelled against the workman, in consequence, the reference is to be answered in the affirmative in favour of the workman and against the management and it is held that the termination of the service of the workman Sh. Mangi Lal is illegal and unjustifed. The workman is entitled to be reinstated in the service with its continuity and with 50 per cent of the back-wages. An award is passed in these terms accordingly.

R. C. SHARMA, Presiding Officer

नई दिल्ली, 22 जून, 2004

का. आ. 1713.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एल०आई०सी० ऑफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जयपुर के पंचाट के (संदर्भ संख्या 54/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-6-2004 को प्राप्त हुआ था।

[सं. एल-17012/24/2001-आई. आर. (बी. II)]
सी. गंगाधरण, अवर सचिव

New Delhi, the 22nd June, 2004

S.O. 1713.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 54/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Jaipur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of LIC of India, and their workmen, which was received by the Central Government on 15-6-04.

[No. L-17012/24/2001-IR (B-II)]
C. GANGADHARAN, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JAIPUR

Case No. CGIT-54/2001

Reference No. L-17012/24/2001-IR (B-II)

Smt. Gulab Devi
R/o P-81, Laxman Colony,
Shyam Nagar,
Jaipur (Rajasthan) .....Applicant

Versus

1. The Sr. Divisional Manager,
LIC of India Ltd.,
Bhawani Singh Road,
Jeevan Prakash,
Jaipur (Rajasthan)-302001
2. The Branch Manager,
LIC of India Ltd.,
D.A.B., Near M.L.A Quarters,
Gopinath Marg,
Jaipur. .....Non-applicants

PRESENT:

Sh. R. C. SHARMA, Presiding Officer

For the Applicant : Sh. R.C. Jain
For the non-applicant : Anurag Aggarwal
Date of award : 17-5-2004

AWARD

1. The Central Government in exercise of the powers conferred under Clause 'D' of Sub-section 1 of Section 10 of the Industrial Disputes Act, 1947 (hereinafter referred to as the act) has referred the following industrial disputes for adjudication to this Tribunal which runs as under :—

> "Whether the action of the management of LIC of India, Jaipur in terminating the services of the workman Smt. Gulab Devi w.e.f. 1-5-1997 was justified? If not, what relief the workman is entitled and from what date?"

2. The workman in her statement of claim has pleaded that she was appointed as waterman by the non-applicant management in the year 1976 who was intially paid the wages of Rs. 60 per month which was subsequently increased to the tune of Rs. 100 per month w.e.f. the month of August, 1990. It has been averred on her behalf that as per the rules of the non-applicant establishment, she is covered under the category of the part-time employee, who was paid the wages upto 30-4-97 and on 1-5-97, her service was terminated in violation of the provision under Section 25-F of the Act. It has been further stated that she had completed over 240 days in the preceding calendar year to her termination, that at the time of her termination, the junior employees to her were retained by the management, whose services were even later on regularized and after her termination, the fresh hands have been recruited by the management. Thus, the management has violated the provisions under Section 25-G and 25-H of the Act. Assailing her termination, she has urged that her termination may be declared as illegal and she may be reinstated in the service with its continuity alongwith consequential benefits.

3. Resisting the claim of the workman, the non-applicants in their written statement have pleaded that the workman was employed on contractual basis for filling the frinking water in the pitclires on the payment of wages of Rs. 60/- per month and after providing the water cooler in the office, she was paid the wages for filling the drinking water only in the three pitchers a day and that her wages subsequently increased to the sum of Rs. 100 per month w.e.f. the month of August, 1990. The non-applicants have also pointed out that the workman had instituted a writ petition before the Hon'ble Rajasthan High Court, Jaipur Bench, Jaipur which was turned down by its order dated 10-10-95 and a DB special appeal was preferred against the said order which was also dismissed on 22-8-97. It has also been stated that the Act is not applicable to the present case which is governed by the rules framed by the department and the non-applicants have specifically denied that the the workman had aver worked for over 240 days with the management. Further, the non-applicants have also denied that the management had retained the junior employees to the workman at the time of her said termination and that the new recruitments were made thereafter.

4. On the pleadings of both the parties, the following points for determination were framed :—

1. Whether the applicant was appointed as waterman in the year 1976 by non-applicant

establishment on the initial salary of Rs. 60 p.m., which was increased as Rs. 100 p.m. since August, 1990 ? BOA

2. Whether the applicant has not been paid her salary since May, 1997 and the non-applicant establishment on being annoyed by agitating the proportionate salary admissible to her, has terminated her service on 1-5-1997 and that at the time of her termination, she was working under the control of non-applicant no. 2 ? BOA

3. Whether the applicant has completed 240 days of her service in non-applicant establishment and while terminating her service, the non-applicant has not followed the provision under Section25 (F) of the Act ? BOA

4. Whether the persons junior to the applicant are still working with the non-applicant establishment whose services have been regularized and that after termination of the services of the applicant, new workmen have been recruited by non-applicant establishment whereby it has violated the provisions under Sections 25 (G) & 25 (H) of the Act ? BOA

5. Whether the termination order dated 1-5-1997 of the applicant is improper and illegal ? BOA

6. Whether the applicant is entitled for her reinstatement in the service with full back-wages and all consequential benefits admissible to her ? BOA

7. Whether the provisions of the Industrial Disputes Act, 1947 are non-applicable to the present case ? BONA

8. Whether the applicant has not presented her demand before the non-applicant Corporation and on this account, the conciliation proceeding and the reference under consideration is liable to be dismissed ? BONA

9. Relief.

5. The workman, in support of her case, has submitted three documents. On behalf of the non-applicants, the order dated 10-10-95 of the Hon'ble Rajasthan High Court, Jaipur Bench, Jaipur has been filed.

6. In the oral evidence, the workman has submitted her affidavit, who was cross-examined on behalf of the non-applicants. On behalf of the non-applicants, the counter-affidavits of Sh. Purushotam Lal Sharma, Administrative Officer, Smt. Renu Bala Saxena, Higher Assistant and Sh. Kailash Chandra, Assistant have been filed, who were cross-examnined on behalf of the workman.

7. I have heard both the parties and have scanned the record. The point-wise discussion follows as under :—

Point Nos. 1, 2, 3 & 5

8. The facts pertaining to all these points in issue being identical are discussed together.

9. The ld. representative for the workman contends that the workman had been in employment from the year 1976 to 30-4-1997 and this fact is proved on the basis of the documents Ex. W-1 to W-3, which are the letters of the non-applicant management. His contention is that it is also undisputed that she had worked from 1976 to 1994 and the management witnesses have admitted this fact. The ld. representative adds that prior to the said termination, the management has not followed the provision contained under Section 25-F of the Act. His further contention is that payment of wages was made to her through the vouchers, which the management has not produced on record despite the order of the Court. On these grounds, the ld. representative contends that the workman is entitled to the reinstatement.

10. Per contra, the ld. representative on behalf of the non-applicant contends that in the year 1983, the workman was engaged on contractual basis and the payment of wages was made to her through vouchers, whereas the regular employees are paid their salaries through the salary bills. The ld. representative relying upon the evidence of the management witnesses submits that their testimony is reliable and it has been proved on the basis thereof that the workman was employed by the management on the contractual basis and after the termination of the specified term, her termination comes to an end which is thus not covered by the definition of the retrenchment.

11. The ld. representative for the workman has laid much emphasis on the award dated 9-5-2003 passed by this Court and has argued that by this award, it has already been decided that the workman is the part-time employee of the Corporation. But in that case, controversy of paying part-time wages to the workman as per NIT award dated 1-1-82 was involved in the reference, whereas the present reference deals with the justification of the termination of the service of workman and the controversy in issue has to be adjudicated on the basis of the materials and evidence adduced by both the parties on record. Therefore, the core question which falls for the determination is as to whether the workman was employed by the non-applicant management as a waterman who had completed 240 days in the preceding calendar year to the date of her termination and whether her termination was made without following the mandate under Section 25-F of the Act ?

12. The workman in her affidavit has stated that she had worked continously w.e.f. the year 1976 to 30-4-97. In her cross-examination, she has stated that the duty of filling the drinking water was assigned to her and she has denied that she was paid the wages for filling the drinking water for per pither. To substantiate the claim of the workman, the letters Ex. W-1 to W-3 belonging to the non-applicant management have been brought on the record. The letter Ex. W-1 is addressed by the Manager (P&IR) to the Branch Manager which states that the workman is filling the drinking water and in doing so, she is devoting two hours daily with the management. This letter was written in the year 1987. The second letter Ex. W-2 was addressed by the

Branch Manager to the Sr. Divisional Manager of the Corporation which was sent along with the application of the workman recommending to increase her remuneration to a reasonable rate and which says that she is devoting two hours for the said work. By the letter Ex. W-3, it appears that the rate of her wages was increased to the tune of Rs. 100/- per month. This letter was written on 3-7-90. Thus, all these three letters echo that the workman was employed by the management to fill the drinking water and that she was devoting two hours a day. MW-1, Sh. Purushotam Lal Sharma, Sr. Assistant has admitted in his deposition that the workman was initially employed in the year 1983, who was paid the wages through the vouchers and that she had worked from the year 1983 to 30-4-97 as a waterman. Thereafter, improving his version, he has deposed that he had seen her working as a waterman w.e.f. the year 1985. Although in response to a question put up to him, he has deposed that she had not completed 240 days with the management, but he has further explained that he has said so on the ground that she was not working full time with the management. Thus, on the basis of the documents Ex. W-1 to W-3 and on account of the admissions made by MW-1, Sh. Purushotam Lal Sharma, these facts are proved that the workman was employed by the non-applicant management as a part-time waterman who had worked up to 30-4-97 with the management. Thus, in the preceding calendar year to her termination i.e. from 30-4-96 to 30-4-97, she was working with the management and had completed over 240 days under the employment of the management.

13. As against the aforesaid evidence, on behalf of the management the case set forth is that the workman was employed on the contractual basis to fill the drinking water in the water pots. Firstly, the management witness Sh. Purshotam Lal Sharma has admitted in his oral evidence that no written agreement was executed for engaging her on the contractual basis. Thus, no documentary evidence on behalf of the management could be produced in support of this submission. Only the oral evidence has been adduced, which is in contradiction with documents belonging to the management itself, i.e. the letters Ex. W-1 to W-3. The case of the management is that the workman was paid the wages for per pitcher for filling the drinking water therein. In contrast, the letters of the management Ex. W-1 to W-3 denote that the management had engaged her for filling the drinking water who devoted two hours per day, which means that she was employed by the management as a part-time employee. It is also noticeable that the letters Ex. W-1 to W-3 have been admitted by the management witnesses in their cross-examination. MW-3, Sh.Kailash Chandra, Assistant has deposed that he used to prepare the payment vouchers for the payment of wages to the workman, which have not been placed on the record.

14. On 2-8-2002, an application was moved on behalf of the workman to call upto the management to produce the vouchers w.e.f. the year 1976 to April, 1997 and after hearing both the parties, the non-applicant management was required to produce these material documents on 11-9-2002 before the Court. But on 28-10-2002, an affidavit of Sh. R.K. Sharma on behalf of the management was produced before the Court that these documents are not available with the management. No reasonable ground could be shown for the non-production of these documents and hence, the non-production of the vouchers pertaining to the payment of wages to the workman by the management will leads to drawing of an adverse inference in establishing the case of the workman. The oral evidence adduced on behalf of the management to establish that the services of the workman was hired on contractual basis is indefinite and feeble in nature inasmuch as even the specified term of the agreement could not be disclosed on behalf of the management. Thus, on an analytical examination of the documentary as well the oral evidence adduced by both the parties on the record, the workman has been able to establish the fact that she had completed 240 days of employment with the non-applicant management and that the management had violated the provision contained under Section 25-F of the Act inasmuch as no notice or wages in lieu of notice and compensation were paid to her as required under Section 25-F of the Act. Thus, her termination on 1-5-97 amounts to retrenchment.

15. The ld. representative in support of his contention has invited my attention towards the decision cited in 1991 (1) LLJ Rajasthan 501 wherein the Hon'ble court has held that the part-time employee shall also be taken as workman and which fortifies the contention advanced on behalf of the workman. The observation of the Hon'ble Court is reproduced as below :—

> "A plain reading of the definition makes it abundantly clear that in order to render a person 'workman' what is required is that he should be employed in any industry to do any manual, skilled or unskilled etc. work for hire. The definition as given in the Act does not make any distinction between a full-time employee and a part-time employee. It does not lay down that only a person employed for full-time will be taken to be a workman and that one who is only a part-time employee should not be taken to be a workman. What is required is that the person should be employed for hire to discharge the work manual, skilled or unskilled etc. in an industry. If this test is fulfilled, a part-time employee will also be a workman as is a full-time employee."

16. On the other hand, the ld. representative has also referred to 1997 (8) SCC 461 and AIR 1994 SC 1343. On a perusal of the facts of these rulings, it is manifest that they pertain to the discharge of a probationer from the service and the facts thereof are not applicable to the case at hand. Then the ld. representative on behalf of the management has too contended with force that the workman's case has been rejected by the Hon'ble Rajasthan High Court vide order dated 10-10-95 delivered in Smt. Gulab Devi *V/s.* Life Insurance Corporation of India & another and a photocopy thereof has been placed on the record.

17. The facts of the referred case are that the workman had urged before the Hon'ble Court for regularization of her service and the Hon'ble Court has observed as below :

> "I have considered over the matter. By the decision of the Apex Court in the case of Beni Gopal (supra) the provisions of the Act excluding the application of ID Act have been held to be intravires. From the said decision it is clear that the service conditions have to be regularized on the basis of rules and regulations framed under the Act."

18. The decision proceeds further to state as below :—

> "The LIC Staff Regulation, 1960 have been framed under which the procedure has been given for direct recruitment and even for temporary staff regulation 8 has contemplated that no person appointed under sub-regulation (1) shall only by reason of such appointment be entitled for regularization."

19. Thus, the Hon'ble Court has rejected the prayer of regularization made on behalf of the workman with an observation that the provisions of the LIC Act, 1956 exclude the application of the ID Act and, therefore, the claim for regularization of the service of the workman was disallowed. Thus, the referred case pertains to the regularization of the workman, whereas the instant case deals with the retrenchment of the workman. The issue of exclusion of the provision of the ID Act to the present case will find mention under the relevant issue of the jurisdiction of the ID Act over the instant controversy.

20. In view of the matter, the contention canvassed on behalf of the non-applicant does not find assistance from the afore-stated decision. As a result of the above discussion, the workman has succeeded in establishing her case that she was employed by the non-applicant management as a part-time waterman and that she had completed 240 days of employment in the preceding year to her termination and whose service was terminated in violation of the provision under Section 25-F of the Act. Accordingly, these points are answered in this manner in favour of the workman and against the non-applicant management.

Point No. 4

21. The ld. representative for the workman does not press this point.

Point No. 7

22. The ld. representative for the non-applicant contends that under Section 48 (2)(cc) of the LIC Act, 1956 the Corporation has been vested with the powers to frame rules with regard to the service conditions and under Section 2-C, the rules framed as such would have an overriding effect. The ld. representative, therefore, submits that the Corporation has framed the Staff Regulations in this regard which have the overriding effect and exclude the jurisdiction of the ID Act in the present controversy. In support of his contention, the ld. representative has relied upon the order dated 10-10-95 of the Hon'ble Rajasthan High Court passed in Smt. Gulab Devi *Vs.* LIC and AIR 1982 SC 1126.

23. In Smt. Gulab Devi *Vs.* LIC, the order dated 10-10-95 at para 3 of the order, the Hon'ble Court has observed that "it is also stated the Life Insurance Corporation of India Act, 1956 was amended in 1981 and the rules were framed under Section 48 (2)(cc) read with Section 2(cc) and the provisions of the ID Act are not applicable."

24. Then, the Hon'ble Court has further observed as below :—

> "The decision of the Apex Court in the case of M. Venigopal *V/s.* Divnl. Manager, LIC of India, AIR 1994 SC 1343 has been relied upon wherein in para 14 it was observed that—'The amendments introduced in S. 48 of the Corporation Act have clearly excluded the provisions of the Industrial Disputes Act so far they are in conflict with the rules framed under S. 48 (2)(00). The result whereof will be that termination of the service of the appellant shall not be deemed to be a 'retrenchment' within the meaning of S. 2(00), even if sub-sec. (bb) had not been introduced in the said section. Once S. 2(00) is not attracted there is no question of application of S. 25-f on the basis of which the termination of the service of the appellant can be held to be invalid."

25. In AIR 1982 SC 1126, the Hon'ble Apex Court has expressed its views as under :—

> "In Sub-section (2) of S. 48 of the principal Act a new Sub-Cl. (cc) was inserted with retrospective effect from June 20, 1979. Cl. (cc) relates to "the terms and conditions of service of the employee and agents of the Corporation including those who became employees and agents of the Corporation on the appointed day under this Act."

26. Then, at Para 8, the Hon'ble Court has observed that "The contention that Article 14 is infringed arise on the provision of Sub-sec. (2C) of Sec. 48 that any rule made under cl. (cc) of Sub-sec. (2) of that section touching the terms and conditions of service of the employees of the Corporation shall have effect notwithstanding anything contained in the Industrial Disputes Act, 1947. It is true that after rules are made regarding the terms and conditions of service, the right to raise an industrial dispute in respect of matters dealt with by the rules will be taken away and to that extent the provisions of the Industrial Disputes Act will cease to be applicable."

27. For the purpose of convenience, the relevant Section 48 of the LIC Act, 1956 is reproduced as below :—

Section 48(1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(cc) the terms and conditions of service of the employees and agents of the Corporation, including those who became; employees and agents of the Corporation on the appointed day under this Act;

2(C) The provisions of clause (cc) of Sub-section (2) and Sub-section (2B) and any rules made under the said clause (cc) shall have effect, and any such rule made with retrospective effect from any date shall also be deemed to have had effect from that date, notwithstanding any judgement, decree or order of any court, tribunal or other authority and not with standing anything contained in the Industrial Disputes Act, 1947, or any other law or any agreement, settlement, award or other instrument for the time being in force."

28. The provision under Section 48(2)(cc) was inserted by the Act No. 1 of 1981 w.e.f. 20-6-79. It is on this ground that the ld. representative on behalf of the non-applicant has argued that since the staff regulations have been framed by the non-applicant management pursuant to Section 48(2)(cc) regarding the service conditions of the employees of the Corporation, therefore, in view of the provision contained under Section 2(C) they exclude the provisions of the ID Act. Thus, the ld. representative for the non-applicant urges that the workman was appointed under regulation 8 and her case is governed by these regulations framed by the management which exclude the jurisdiction of the ID Act, over the present controversy.

29. Refuting the contention advanced on behalf of the ld. representative for the non-applicant the ld. representative for the workman contends that the Amendment Act No. I of 1981 where by the provision under Section 48(2)(cc) was inserted has been repealed by The Repealing and Amending Act, 1988. His submission is that since this provision has been repealed, the rules made there under would have no effect on the present case and it would be governed under the provisions of the ID Act. In support of his contention, the ld. representative has placed on record "The Repealing and Amending Act, 1988".

30. I have given my anxious consideration to the rival contentions and have carefully gone through the referred citations and "The Repealing and Amending Act, 1988."

31. Section 2 of the Repealing and Amending Act, 1988, reads as under :—

"Repeal of certain enactments.—The enactments specified in the First Schedule are hereby repealed to the extent mentioned in the fourth column there of."

32. At page 74 of First Schedule, it has been shown that the "the LIC (Amendment) Act, 1981 is repealed as a whole." It supports the contention of the ld. representative for the workman that the Act No. 1 of 1981 by which the Clause (cc) to Section 2 of Section 48 was inserted has been repealed. The ld. representative for the workman has further argued that on account of the repealing the Act No. 1 of 1981, Clause 2(cc) will be deemed to be revoked and in support of his submission, he has drawn my attention towards the decision cited in **2004 (100) FLR Karnataka 532** where in the Hon'ble Court has observed as under :—

"It is well-settled that, repeal lexically means 'to revoke or annual'. A Constitution Bench of the Supreme Court has held that the normal effect of a repealing statute is to obliterate it as if it has never been passed and the Statute must be considered as a law that never existed *Kollapur Cane Sugar Works.* V/s. *Union.* The subordinate legislation and notifications issued under the repealed Law would also meet the same fate unless they are continued under the reenacted law or continue to be operative in view of section 24 of the General Clauses Act."

33. Thus, the contention put forth on behalf of the workman is strengthened by the Repealing (Amendment) Act, 1988 and the decision supra and the workman has been able to establish that the staff regulations framed by the management have no application to the present controversy.

34. On a care full survey of the aforementioned verdicts, it is obvious that the fact of introducing The Repealing (Amendment) Act, 1988 could not be brought into the notice of their Lordships. As such, in view of the existence of the Act, 1988 and under the changed legal position on the point, the facts of the referred case are not applicable to the instant case. The contention advanced on behalf of the non-applicant the staff regulations farmed by the Corporation exclude the provisions of the ID Act is thus unstainable and is repelled. This point is accordingly answered in favour of the workman and against the non-applicant.

Point No. 8

35. It has not been pressed on behalf of the non-applicant.

Points No. 6 & 9

36. For the foregoing reasons, the claim of the workman deserves to be allowed.

37. The workman has stated that since her termination she is out of employment. It has not been shown on behalf of the management that during the period of enforced unemployment of the workman, she was gainfully employed. Hence, the workman is entitled for the back-wages.

38. In the result, the reference is answered in favour of the workman and against the non-applicant and it is held that the action of the non-applicant management in terminating the service of the workman Smt. Gulab Devi w.e.f. 1-5-97 is unjustified and that she is entitled to be reinstated in service with its continuity and with 50 per cent back-wages. The award is passed in these terms accordingly.

R.C. SHARMA, Presiding Officer

2052GI/04-3A

नई दिल्ली, 23 जून, 2004

का. आ. 1714.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा.को.को.लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण -II धनबाद के पंचाट (संदर्भ संख्या 221/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-6-2004 को प्राप्त हुआ था।

[सं. एल-20012/182/2001-आई. आर. (सी-1)]
एस. एस. गुप्ता, अवर सचिव

New Delhi, the 23rd June, 2004

S.O. 1714.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 221/2001) of the Central Government Industrial Tribunal/Labour Court, II Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workmen, which was received by the Central Government on 17-6-04.

[No. L-20012/182/2001-IR (C-I)]
S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, DHANBAD

In the matter of a reference U/s. 10(1)(d)(2A) of the Industrial Disputes Act, 1947.

Reference No. 221 of 2001.

PARTIES:

Employers in relation to the management of Kustore Area of M/S.B.C.C.L. Ltd.

AND

Their Workmen.

PRESENT:

SHRI B. BISWAS, Presiding Officer

APPEARANCE:

For the Employers : Shri D. K. Verma, Advocate.

For the Workman : None.

State : Jharkhand Industry : Coal.

Dated, the 11th May, 2004

AWARD

By Order No.L-20012/182/2001-IR(C-I) dated 10-8-2001 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :—

"Whether the action of the management of M/s. BCCL in not giving employment on compassionate grounds to Smt. Kapoorwa Bhuini (Trammer, W/o Late Maruwan Bhuia) is just & legal?"

2. It appears from the record that neither the concerned workman nor the sponsoring union appeared and filed written statement. If the attitude of the concerned workman/union is considered there is reason to believe that the workman/union side is not interested to proceed with hearing of the case further. I do not find any reason to adjourn the case *suo moto* under such circumstances.

3. Accordingly, I render a 'No Dispute Award' in the present industrial dispute.

B. BISWAS, Presiding Officer

नई दिल्ली, 25 जून, 2004

का. आ. 1715.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इण्डियन मिलिट्री एकेडमी के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण लखनऊ के पंचाट (संदर्भ संख्या 15/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-6-2004 को प्राप्त हुआ था।

[सं. एल-14012/36/2002-आई. आर. (डी.यू.)]
कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 25th June, 2004

S.O. 1715.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 15/2003) of the Central Government Industrial Tribunal/Labour Court, Lucknow now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Indian Military Academy and their workmen, which was received by the Central Government on 25-6-2004.

[No. L-14012/36/2002-IR (DU)]
KULDIP RAI VERMA, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW

PRESENT:

SHRIKANT SHUKLA, Presiding Officer

I. D. No. 15/2003
Ref. No. L-14012/36/2002-IR(DU)
dated 21.10.2002

BETWEEN:

Sri Mukhesh Shrma, S/o J.P. Sharma
R/o Panditwari, P.O. Prem Nagar
Dehradun

AND

The Commandant. Indian
Military Academy, P.O. Rangar
Walla, Prem Nagar, Dehradun

AWARD

Government of India, Ministry of Labour vide their order No. L-14012/36/2002-IR(DU) dated 21-2-2002 referred the following issue for adjudication ;

> "Whether the action of Indian Military Academy management in terminating the services of Sri Mukhesh Sharma S/o Sh. Jai Prakash Sharma w.e.f. 1-7-2002 is just fair and legal if not for what relief he is entitled to?"

The worker Sri Mukesh Sharma has filed the statement of claim alleging that he was employed in the Indian Military Academy on the post of waiter w.e.f. 28-7-98 and he has been discharged without any prior notice on 1-7-2000 illegally. Arbitrarily and against the provisions of the I.D. Act. 1947. The worker there after send a show cause notice to the Commandant. Indian Military Academy by Registered post on 14-1-2002 which was duly acknowledged by the concerned dealing assistant. The Commandant of Agency kept silence over the notice for about 3½ months. The Commandant, Indian Military Academy was requested to cancel the illegal discharge and also requested the worker be allowed to work on the post of waiter within a period of 10 days. The worker has furnished the details of continued work under Commandant, Military Academy as under;

Year of work	Period of work	Total days
1998	28-7-98 to 1-9-98	36
1999	23-1-99 to 3-6-99	156
1999	16-7-99 to 20-9-99	67
2000	1-1-2000 to 30-6-2000	182

The worker's allegations is that the aforesaid details goes to show that Commandant, Indian Military Academy has granted engagements with intermitend breaks and it clearly shows that the employment continued to subsist during the entire period from 1998 to 2000 and as such the interruption can not have any effect on the continuity of the applicant in service. The employer has not serve upon the applicant one month notice in writing indicating the reasons for his discharge and if the period of that notice has been expired on in lieu of that the worker has also not been paid the average wages for the said period of notice. The workman has not been paid the retrenchment compensation which shall be equivalent to 15 days average pay for every complete year of continuous service or any part there of in excess of six months. It is also stated in the statement of claim that the employer has arbitrarily continued the juniors in the Academy in the service. The worker has further prayed that he may be reinstated with full back wages w.e.f. 1-7-2000 on the post of waiter and he should be regularised from the date of his retrenchment on the permanent post of waiter together with the cost.

Lt. Col. S. S. Bist, Establishment Officer filed Written statement on behalf of the employer denying the claim of the worker. The employer has alleged that the worker is not industrial or non industrial worker. He was not employed through Employment Exchange but was engaged for causal nature of work and there is no sanction post in the regular establishment. The services of casual labour are required purely on contractual basis as and when required. The worker was employed for casual nature of work. His services were discharged as the same were no longer required. It is also stated that the I.D. Act 1947 is not applicable to the petitioner. The employer has denied the details of employment given by the worker in his statement of claim and has stated that the worker worked as casual labour in the following manner :

Year	Period
1999	15-7-99 to 11-12-99
2000	10-1-2000 to 24-6-2000
2000	27-7-2000 to 13-12-2000

It is also stated that he was engaged for 24 days in a month for 8 hours daily excluding summer/winter vacation so far as the breaks are concerned the employer has stated that they were caused on account of mandatory vacation period of the Academy and the worker was not giving artifical break as alleged by the workman. In this connection it is stated that Academy is authorised to avail 60 days summer/winter vacation as per Govt. Rules. During vacation period services of casual labours were not required. Hence the break given to the workman was genuine and not artifical. The employer has stated that the direct recruitment in the Academy is carried out as and when vacancies are released by the Army HQ/Govt. or this purpose Employment Exchange and Solder Board are requested to sponsor names as also vacancies are advertised in the News Paper as per Govt. Instructions. All the candidates sponsored by the Employment Exchange/ Solder Board and candidates who apply directly from the open market on the basis of advertisment are considered for employment by a properly constituted board of officers. The casual labourers are also permitted to compete alongwith other candidates in case they apply against regular vacancies for which employment process in progress. The application was employed through Employment Exchange. He was engaged for casual nature of work and was discontinued whenever his services no longer required. Lastly it has also been submitted by the opposite party that Indian Military Academy provided education on Military Science and Military training to the gentlemen cadtes therefore this Academy does not come under the purview of the I.D. Act. 1947.

The representatives of parties were present on 18-11-2003 and they were directed to file affidavit in support of the case at CGIT, Lucknow by registered post and 31-12-2003 was fixed for cross examined but on the date fixed none appeared for the worker and therefore next date was fixed 8-4-2004 on that date worker did not turn-up and therefore on 8-4-2004 the Presidng Officer ordered the case proceed to ex-parte against the worker and the next date was fixed on 10-6-04. On 10-6-04 also the worker did not turned up and Major Ramesh Chandra was heard on behalf of the Academy.

The employer has filed the affidavit of Major Ramesh Chandra, Eastablishment Officer (Civilian of the office of Commandant of Indian Military Academy). Following documents have also filed on behalf of the employer :

1. Letter of Commandant, Indian Military Academy, dated 25-11-99 regarding strength return and gentlemen cadets. Paper No. 17/12.
2. Report on gentlemen cadets from 16th July, 98 to 10-6-2000 paper No. 17/13.
3. Strength report of Indian Military Academy dated 20-6-2000 paper Nos. 17/14, 17/15.
4. Strength return of IMA dated paper Nos. 17/16, 17/17.
5. Indian Military Academy parade of gentlemen cadets 1-10-01 paper No. 17/18.
6. Photo copy of the judgment of CAT, Allahabad dated 18-11-97 passed in W.P. No. 930/97 Deepak Kr. Sharma and others *Vs.* Union of India paper No. 17/24.
7. Photo copy of judgement dt. 27-11-97 of Hon'ble High Court in Civil W.P. No. 39737/97 Satish Kumar *Vs.* State of U.P. Paper No. 17/25.
8. Photo copy of judgment dt. 16-12-97 passed by the Hon'ble High Court Allahabad in W.P. No. 42116/97 Kailash Chandra *Vs.* State of U.P. paper No. 17/26.
9. Photo copy of judgment dt. 1-12-99 of Hon'ble High Court, Allahabad in Civil W.P. No. 11867/98 Kailash Chandra, Deepak Kr. Sharma *Vs.* Union of India Paper No. 17/27.
10. Photo copy of judgment dt. 15-9-03 passed in civil W.P. No. 777/01 by Hon'ble High Court of Uttaranchal, Nainital in A.K. Sharma and Madan Lal *Vs.* Indian Military Academy, Dehradun.

The issue is whether Sri Mukesh Sharma was terminated w.e.f. 1-7-2000 if so whether his termination is fair and legal. The worker has not come forward to prove that he was terminated w.e.f. 1-7-2000. On the other hand Major Ramesh Chandra has proved by his affidavit A2-17 that the worker has worked from 1-1-2000 to 30-6-2000 for 127 days he has also proved that the worker has worked from 16-7-99 to 20-9-99 for 60 days. The table for the work of the worker is as follows :

1. 28-7-99 to 1-9-98	36 days
2. 23-1-99 to 3-6-99	110 days
3. 16-7-99 to 20-9-99	60 days
4. 1-1-99 to 30-6-99	127 days

Thus in the preceding 12 calendar months before the termination of the worker, the worker worked only for 187 days. The worker has to prove that he worked for 240 days during the period of 12 calendar months preceding the date of his termination. The worker has not been able to prove that he continuously worked for 240 days in preceding 12 calendar months. The worker's mere allegation that he worked for 441 days from 1998 to 2000 does not help him.

It is also proved that the worker is not duly appointed as regular worker. Employer has proved that the worker was a casual labour. It is also proved that the casual employees were engaged during training term of 5 months on daily wages. The learned representative of the opposite party has argued that it is not a case of artificial breaks but the break is necessiated as a result of non availability of work for the daily wage employee and therefore he could not be engaged.

From the evidence on record I am of the opinion that breaks in service are not artifical break as the worker has tried to state in the statement of claim. Major Ramesh Chandra has also proved that strength of gentlemen candets for pre-commission training increased beyond authorised strength of 1200GC during 1999, 2000 and 2001. On the increase of strength the services of casual employees were utilized to help the permanent staff to cope up with the extra work load. They were engaged purely for domestic services and they never carried any activity with a motive to make any monetary gain for this Academy. They were hired on daily wages.

In the circumstances narrated above the disengagement of the worker Mukesh Sharma is not unjustified or illegal. The issue is therefore answered against the workman in favour of the employer.

It has also been argued by Major Ramesh Chandra that Indian Military Academy is not an industry but his academy imparting pre-commission training covering education on Military Science and Military training to the Gentlemen cadets. This academy is affiliated to Jawaharlal Nehru University Delhi for conducting graduation examinations and award of degrees to the cadets of Army Cadet College Wing; and affiliated to H.N. Bahuguna Garwal University Srinagar for award of Post Graduate Diploma in Military Studies and Defence Management to passing out course gentlemen cadets. This academy does not carry on any activity by co-operation between employer and his workmen for production supply or distribution of goods or service. This academy does not fail under the jurisdiction of the I.D. Act.

Major Ramesh Chandra has also argued that it is the soverign function of the Govt. which deals to the pre commissioned training to the officers of the Army and therefore the institute or the Indian Military Academy is not included in section 2 of the I.D. Act. 1947 whcih defines industry. The worker has not come forward to rebut the argument forwarded on behalf of the Academy.

Therefore I also come to the conclusion that activities of Academy is not covered in the I.D. Act and I also come to the conclusion that the worker Mukhesh Sharma is not a industrial worker so as to attract the provisions of the I.D. Act, 1947. On the discussions above I come to the conclusion that the issue is answered affirmatively and worker is not entitled to any relief whatsoever.

State : Lucknow

17-6-2004 SHRIKANT SHUKLA, Presiding Officer

नई दिल्ली, 25 जून, 2004

का. आ. 1716.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी. पी. डब्ल्यू. डी. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, न० II, नई दिल्ली के पंचाट (संदर्भ संख्या 182/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-6-2004 को प्राप्त हुआ था।

[सं. एल-42011/36/96-आई. आर. (डी.यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 25th June, 2004

S.O. 1716.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 182/97) of the Central Government Industrial Tribunal/Labour Court, No. II, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of CPWD and their workman, which was received by the Central Government on 25-6-04.

[No. L-42011/36/96-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER: CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM LABOUR COURT-II, RAJENDRA BHAWAN, GROUND FLOOR, RAJENDRA PLACE, NEW DELHI

PRESIDING OFFICER : SHRI R. N. RAI

I. D. NO. 182/97

IN THE MATTER OF :-

SHRI RAM BALI

VERSUS

MANAGEMENT OF C.P.W.D.

AWARD

The Ministry of Labour by its letter No. L-42011/36/96-IR(DU) Central Government dt. 27-10-1997 has referred the following point for adjudication.

The point runs as hereunder:-

"Whether the action of the management of C.P.W.D. in denying to offer the post of Asstt. Painter to Shri Ram Bali Beldar w.e.f. 17-06-1983 is just and fair? If not to what relief the workman concerned is entitled? "

The claimant has filed statement of claim. In his statement of claim, it has been stated that the workman has been working with the management since 17-06-1983 in the post of Beldar.

That the workman was declared successful in the trade test for the post of Painter held by the management in the year 1983. Howerver, he was not promoted despite the fact that he moved a number of applications and representations for the same. Therefore, the workman was compelled to refer the matter for re-conciliation proceedings which failed and so the case has been referred. That the management has been withholding the rights of the workman for over fourteen years and violating the principles of natural justice. It is submitted that the workman is not only entitled for the fruits of promotions since 1983, but also has got right to recover the arrears of differences of salary between that of the beldar and the painter. He is further entitled to such other perquisites or benefits, which are extended to painters enployed by the management.

The management has filed written statement. In the written statement, most of the paragraphs have been denied but it has been admitted that the applicant passed the departmental trade test for his promotion to the post of Asstt. Carpenter only as such his claim for promotion as full Carpenter is incorrect and hence denied.

That the management is not withholding the rights of promotion of the worker as till to-day the Beldars who had alredy qualified the departmental trade test and had the seniority of 1972 have only been promoted to the post of Asstt. Painter while the seniority of the applicant is of 17-6-1983.

It has been admitted that the worker has qualified the Trade Test for promotion to the post of Asstt. Painter but since all the Asstt. Categories have been merged with full categories and further promotions ot the Asstt. Categories have been kept under abeyance till further orders. Because of this merger, the workman applicant could not be given promotion.

That the workman has filed rejionder. In his rejoinder he has denied for want of knowledge that Assistant categories and full categories have been merged. It is stated that merger of two categories can not be a ground for not promoting a person who is eligible for the same. Since he has been declared eligible for promotion, he should be given promotion. It has been further stated that much junior persons have been promoted whereas the case of the workman has been witheld with malafide intention.

Heard arguments from both the sides and perused the papers on the record. The management witness has admitted that he has passed departmental trade test but he is not senior enough to have been taken in the Assistant Category. No other person junior to him has been promoted. The departmental test should not have been taken. The post of Asstt. Painter and Painter has been merged. Because of this only a person cannot be deprived of his legitimate right. He is working since 1983. It is almost 20 years back the test was taken and the workman has not been promoted. As such, the case of the workman is a genuine case. Unfair labour practice should not be had recourse to.

The award is replied thus:-

The action of the management of C.P.W.D. in denying to offer the post of Asstt. Painter to Shri Ram Bali, Beldar w.e.f. 17-06-1983 is completely neither just and nor fair.

The workman deserves to be promoted to the Post of Asstt. Painter w. e. f. 17-06-1983 without any back wages.

The award is given accordingly.

DT. 10-06-2004

R. N. RAI, Presiding Officer

नई दिल्ली, 25 जून, 2004

का. आ. 1717.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ईम्प्लाईज प्रोविडेंट फंड आर्गेनाईजेशन के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं० II, नई दिल्ली के पंचाट (संदर्भ संख्या 68/93) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-6-2004 को प्राप्त हुआ था।

[सं. एल-42012/107/92-आई. आर. (डी.यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 25th June, 2004

S.O. 1717.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (I4 of 1947), the Central Government hereby publishes the award (Ref. No. 68/93 of the Central Government Industrial Tribunal-cum-Labour Court, No. II, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Employees Provident Fund Org. and their workman, received by the Central Government on 25-6-2004.

[No. L-42012/107/92-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER: CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM LABOUR COURT-II, RAJENDRA BHAWAN, GROUND FLOOR, RAJENDRA PLACE NEW DELHI

I. D. NO. 68/93

Presiding officer: R.N. RAI

in the matter of :-

Shri Ranjeet Singh

Versus

Management of Employees Provident Fund Organisation

AWARD

The Ministry of Labour by its letter No. L-42012/107/92-IR/DU/CENTRAL GOVERNMENT DT. 09-09-1993 has referred the following point for adjudication.

> **"Whether the action of the management of Employees Provident Fund Organisation in terminating the services of Shri Ranjeet Singh, son of Shri Pachwa Singh, Peon/Messenger w.e.f. 31-10-1986 is legal and justified? If not, what relief the workman concerned is entitled to?**

The claimant has filed statement of claim. In the statement of claim, he has stated that the respondent management is a statutory corporation and as such, it is an industry.

That the applicant workman was appointed on the post of peon/messenger in the office of the Opposite party after having been found suitable for the post on the basis of interview.

That the applicant workman joined his duty on 10-05-1985 where he worked continuously till 31-10-1985 in the first phase on daily wages basis. Thus, the workman has continuously done the work for 115 days and subsequently he was again appointed w.e.f. 20-05-1986 to 31-10-1986 on daily wages basis. Thereafter his services were terminated w.e.f. 1-11-1986 without any reason. The termination of the applicant workman comes under the definition of illegal retrenchment within the meaning of Section 2 (oo) of the Act. The retrenchment is also illegal in view of Section 25-G and H of the ID Act, 1947.

That in the year 1987-1988, some regular vacancies against the post and category of the applicant workman were declared vacant and same had been filled up on the basis of interview which had been taken on 28-02-1987 and 27-4-88 but the applicant workman was neither called for interview nor his case was considered for the post which is contrary to the mandatory provisions of Section 25-G and 25-H and 25-J read with rule 77 and 78 of the Act. Fresh hands Shri Karan Sah, Shri Anil Kumar, Shri Rajender and Undaiveer have been appointed in place of the applicant workman w.e.f. 08-04-1987 without giving any opportunity of re-employment to him.

That the termination of services of the workman w.e.f. 1-11-1986 is very abrupt, arbitrary, illegal and with the motive/view to avoid the benefit of continuity or regularisation on the post as the vacancies existed for which recruitment have been made later on. There was work for the applicant workman and he ought to have been given preferences and called for interview as his name was sponsored by the employment exchange two times. The employment exchange did not send his name on the third time because two times, his name has already been sent by the employment exchange.

The respondent management has filed written statement. In the written statement, it has been stated that he was daily wages workman and he has filed this ID after a lapse of five years so he cannot claim reinstatement.

It has been stated that the respondent management is not an industry and the provisions of the ID Act, 1947 are not applicable in the case of the respondent management. The employer is directly under the control of Central Board of Trustees which has been constituted under the Employee's Provident Fund and Misc. Provisions Act, 1952. As such the respondent management does not come under the purview of industry. The workman applicant

was a daily wages workman. He was paid Rs. 14/- per day and his services came to end at the close of every day.

The management further submitted that the workman worked in 1985 for 115 days and in 1986 for 106 days. His services were not further required so his services were terminated. He has not completed 240 days so he cannot get the benefit of Section 25(F) of the I.D. Act. The respondent is bound by the Government of India's instructions which specifically state that the candidates sponsored by the Employment Exchange should only be considered for appointment. The rest of the statement of claim has been denied and it has been emphatically stated that he was a daily wages workman and hence he does not deserve to be reinstated.

The workman has filed rejoinder. In his rejoinder, he has stated that the respondent management is an industry under Section 2(S) of the Act and the petitioner is a workman and there is violations of the provisions of Section 25-H and Rule 78 of the Act. He has submitted the list of fresh hands who have been interviewed and appointed from 8-4-1987 onwards. It has also been stated that some of the workman who working with him have also been regularised but a discrimination has been made in the case of the workman applicant only.

Heard arguments from both the sides and perused the papers on the record. It was submitted from the side of the workman that the workman has worked in two years *i.e.* 1985 and 1986 and on both the occasions, his name was sponsored by the Employment Exchange and after a proper interview, he has been given appointment alongwith the other workmen. The respondent management is an industry. It is a corporation and it is constituted under a statute so it is a statutory body. The workman has filed applications and representations which he has made to the officers of the said department. His case was not considred so at last he was compelled to file reconciliation proceedings. After the failure of re-conciliation proceedings, the reference has been made by the Govt. to this tribunal.

It was submitted from the the side of the workman that MW/I has admitted in his cross-examination that the workman was recruited after his name being sponsored by the Employment Exchange. His interview was conducted and thereafter he was appointed. It has been further stated by MW/1 in the cross-examination that 9 employees were appointed in 1986 out to them 7 were terminated and 2 were retained. In 1986, persons who were called again from the Employment Exchange and the workman was also one of them. He was re-appointed for a fixed period. Again in 1987, names of the persons for appointment was again called from the Employment Exchange but the workman was not one of them. We regularised the services of four employees, namely, S/Shri Anil Kumar, Rajpal, Udai Ram and Karan Singh in 1987 on the ground of eligibility who were appointed freshly. The workman applicant has filed the list of the workmen appointed with him. It contains the name of Udai Ram and others who have been said to be appointed freshly. It indicates that these four workmen were taken out of the list of the previous workmen. His name for the third time was not sponsored by the Employment Exchange so his case was not considered. As such, the management witness has admitted that the workmen applicant was appointed for two times on the basis of his name being sponsored by the employment exchange and he was not appointed for the third time as the employment exchange did not send his name. It is also evident from the evidence of MW/1 that he was not called for interview as his name was not sponsored by the employment exchange. When his name was sponsored for two times and he was appointed then it was not necessary to call for his name again from the employment exchange. It was submitted that the employment exchange had already send his name two times so the employment exchage sent the names of those persons whose names were not sent previously. As such his case ought to have considered on the basis of his name being sponsored two times by the employment exchage previously.

It was submitted from the side of the management that the workman was daily wages workman. He was paid Rs. 14/- per day. He has not completed 240 days work so Section 25(F) is not attracted. The respondent management is not an industry so this court has got not jurisdiction.

My attention was drawn from the side of the management to 1988 LAB.I.C. 1125, 1988 LAB.I.C. 1126, 1988 LAB.I.C. 1123, 1990 LAB.I.C. 398, 1989—LAB.I.C. 189 (ALL.), 1989 LAB. I.C. NOC 190 (ALL.), 1989 LAB.I.C. NOC 12 (CAT.), 1990 LAB. I.C. NOC 107 (ORISSA).

I have gone through all the citations referred to by the management. These citations relate to 25 (F) so in the facts and circumstances of this case, these citations are not applicable as the workman had not filed his case on the basis of 240 days work.

My attention was further drawn to 1981 LAB. I.C. 725, 1990 LAB. I.C. NOC 106 (ORISSA), 1992 LAB. I.C. 1813. These citations are regarding Section 2 (oo) (bb) of the I.D. Act so the citations are not applicable in the facts and circumstances of the present case.

From the side of the management, my attention was drawn to 1984 FLR. The Hon'ble APEX Court has held that the Central Government is the appropriate Government and it has also been held that the activity carried on under the Provident Fund Act is being carried on by or under the authority of the Central Government as provided in Section 2 (a) of the Act. It was held that business carried on by the Provident Fund Organisation is that of an industry and the Central Government is an appropriate authority under the Act. So far as the point of industry is concerned by this judgement of the APEX COURT, it becomes quite clear that the respondent management is an industry. 1994 FLR Page 776 is regarding the delay in the ID Act. The limitation Act is not applicable and in case there was delay of 5 years that was due to the adamant attitude of the authorities not to consider the case of the workman applicant so the delay is not intentional. In 1996

LLR 651, it has been held that an employer is not bound to recruit persons nominated by the Employment Exchange. According to Section 25 (g) of the ID Act, when a retrenchment is made, the last person should be retrenched first and in case vacancies arise according to section 25 (h) of the ID Act, the retrenched workmen should be given preference and they should be re-employed. As such, according to 25(g), the workman applicant is a retrenched workman and it is abundantly clear from the evidence of the management witness that fresh hands were taken in 1987. At that time, the case of this retrenched workman ought to have been considered and he should have been re-employed but the management has not followed the provisions as laid down in 25 (G) and (H). In 1996 (74) FLR 2063, it has been held by the Hon'ble APEX Court that Section 25 (G) is confined only to the mode of retrenchment of workmen who are not in countinuous service for one year but 25(G) prescribes the principles for retrenchment and applies ordinarily the principle of last come first go and it is not in respect of those persons who have been in continuous service for one year. According to Section 25(H) and 25(G) first come last go principle should be applied as has been enunciated by the Hon'ble APEX Court. The Hon'ble Kerala High Court has also held that in case Section 25 (F) Act is not attracted atleast 25(G) should be followed in case of a retrenched employee.

It has been further held by the Allahabad Hon'ble High Court in 1993 (66) Page-45 that provisions of rules 76-77 and 78 of the ID Act and Section 25 (G) and 25 (H) are mandatory in nature. The workman who has not completed 240 days is entitled to the benefit of these sections and rules. The workman can claim compensation, damages and re-employment. It has been held in LLR 1995 page 505 that 25 (G) and (H) are applicable to casual labour on daily wages. The Hon'ble APEX Court in FLR 1995 (71) 460 has held that in case of daily wages employees, principles of last come first go should be followed. They should be employed and preference should be given to the displaced employees. According to the findings of the Hon'ble APEX Court, the principles of first come last go should be followed and the retrenched workman even though they are the daily wager should be re-employed and preference shoud be given to them. It is quite vivid from the above discussions that the respondent management is an industry and the workman is a retrenched workman and fresh hands have been appointed. As such, preference should be given to him and he should be re-employed but the respondent management has violated the law laid down in Section 25(G) and (H) and rules 76, 77 and 78. As such, the workman applicant deserves to be re-employed with 20% back wages.

The reference is replied thus :—

The action of the management of Employees Provident Fund Organisation in terminating the services of Shri Ranjeet Singh, son of Shri Pachwa Singh, Peon/ Messenger w.e.f. 31-10-1986 is neither legal and nor justified. The workman deserves to be re-employed and to get 20% back wages from 8-4-1987.

The award is given accordingly.

Dated : 18-06-2004

R. N. RAI, Presiding Officer

नई दिल्ली, 25 जून, 2004

का. आ. 1718.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार रिमांऊट ट्रेनिंग स्कूल एण्ड डिपो के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, न० II, नई दिल्ली के पंचाट (संदर्भ संख्या एल सी ए-14/92) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-6-2004 को प्राप्त हुआ था।

[सं. एल-14025/2/2004-आई. आर. (डी.यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 25th June, 2004

S.O. 1718.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. LCA-14/ 92) of the Central Government Industrial Tribunal-cum-Labour Court, No. II, New Delhi now as shown in the Annexure in the Industrial Dispute between the employees in relation to the management of Remount Training School and Depot and their workmen, received by the Central Government on 25-6-04.

[No. L-14025/2/2004-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER : CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, RAJENDRA BHAWAN, GROUND FLOOR, RAJENDRA PLACE, NEW DELHI

L. C.A. No. 14/92

R.N. RAI : Presiding Officer

In the matter of :-

Khazan Singh

Versus

Ministry of Defence, Sena Bhavan

FINDINGS

The applicants have filed application under 33-C(2). It has been stated in the application that the applicants are retired from Beldars and retired as such Beldars from permanent posts on 31-3-1983 on superannuation at the age of 58 years from Remount training School and Depot Saharanpur under the control of Colonel Commandant of the Ministry of Defence, Govt. of India, New Delhi.

That at the time of such retirement on and from 31-3-1983, the applicants were holding the permanent posts

of Farm Beldars in regular pay scale of Rs. 196—232 and the total of wages including of all allowances came to Rs. 600 the CCS RULES applied to the applicant and even civilian pension rules also applied to the applicants and they belonged to class D Service.

That the employers made decutions each month from the wages of the applicants towards the contribution of Provident Fund Account. Each applicant was even paid Rs. 13,000 as Provident Fund and leave encashment, on such retirement on 31-3-1983.

That on such retirement on and from 31-3-1983, applicants completed 37 years service as such became entitled to the payment of Gratuity and monthly pension. The amount of gratuity due at the rate of Rs. 600/- per month for 16.5 months comes to Rs. 9900/-. The pension amount per month comes at Rs. 500/- inclusive of all allowances and the total of such non-payment for the period from 1-4-1983 to 20-2-1993, 117 months, comes to Rs. 58,500. Thus total of amount due to each applicant comes to Rs. 68,400.00.

That the employers are earning interest on these amounts in the Banks, as applicants are entitled to the payment of 18% interest thereon for the period from 1-6-1983 to 20-2-1992, 115 months comes to Rs. 1,17,300.

The management has filed written statement. It has been stated in the written statement that the claim is not based upon existing rights or benefits which can be computed in terms of money.

That this Hon'ble Court lacks jurisdiction to entertain the application Under Section 33-C(2) of the Industrial Disputes Act as the court under the section merely functions as an execution court and cannot create new rights in favour of the applicants. The establishment of the respondent is not governed under the Industrial Dispute Act, 1947 since the same is not an industry as it is related to the Army and performing a Sovereign function. They have been appointed as temporary casual Beldar Class-IV Employees under the terms and conditions laid down in CPRO 106/59 and were paid out of annual contingencies in muster roll on monthly rated basis. It is further stated that the post of Beldar was not authorized in peace establishment till 1986 and furhter not eligible for pension in terms of CCS (Pension Rules) 1972.

The applicants have been subscribing towards IOF W.P. Funds, where from they have been paid the benefits at the time of superannuation, to which they were entitled to

It is further stated that all the four applicants retired on 31-3-1983. They were employed purely on temporary basis and they were holding temporary posts till the date of their retirement because the post of Beldar was not authorized in P.E. at that time.

The individuals were subscribing towards 10 FWP Funds being industrial employee and such employees are not eligible for pension and gratuity. The entire payments have been made to them.

The employees have filed rejoinder. In their rejoinder, they have denied the paragraphs of the written statement and submitted that the applicants were initially appointed in the year 1946 at their Mona Depot at Gujarat in Punjab, now in Pakistan. Applicants being civilian employees are not engaged in any sovereign functions as alleged.

All the paragraphs of the written statement are wrong.

Heard arguments from both the sides and perused the papers on the record. It was submitted from the side of the applicants that they have done 37 years of service so they cannot be said to be temporary till the age of the retirement. They were not defence personnel. They were appointed as casual labourers. They were appointed on the monthly basis and in view of their long work, they shall be deemed to be regularised. It was argued from the side of the workman that Appendix A to CPRO 106/59 stipulates in para V that if for any reason, the appointment is to be continued beyond 6 months, the individual will not be discharged and re-employed from the same date. Instead he will be allowed to continue in service without any break and will be treated as regular industrial employee from the date of his original appointment as casual employee. In view of this provision, the workman shall be deemed to be regular industrial employees.

It was argued from the side of the management that they filed this application after retirement and they are no longer in service, as such there is no employer or employee relation between the two. It was argued from the side of the management that there is no adjudication regarding their pension and the other rights. They ought to have got it adjudicated upon then only they can move application under Section 33 (c) (2). So far as the demand of the applicants is concerned, there is no adjudication regarding the same. They ought to have got the matter referred to under the Industrial Dispute Act, 1947 then only their application can be maintained as execution of the decree. Since there is no adjudication of their rights, no relief can be given to them. 2000 ILLJ and ILLJ SC 1993 page 962 are not applicable in the facts and circumstances of this case as their reghts have not been adjudicated upon by any court or tribunal. Though they shall be deemed to be regular employees, even though they are paid from contingencies but so far as the payment of pension, gratuity is concerned, there is no adjudication regarding the same and there is no settlement with the Government. The employees are workmen. They have not been discharging the sovereign functions.

The application is liable to be rejected on the simple ground that the applicants have got no existing right and there is no negotiation or settlement. As such, this court as an executing court cannot give them the relief sought for.

ORDER

The application is rejected.

Date: 17-06-2004 R. N. RAI, Presiding Officer

श्रम मंत्रालय

नई दिल्ली, 8 जुलाई, 2004

का. आ. 1719.—केन्द्रीय सरकार संतुष्ट हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (ढ़) के उप-खण्ड (vi) के उपबंधों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का.आ. 137 दिनांक 31-12-2003 द्वारा करेंसी नोट प्रेस, नासिक रोड जो कि औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की प्रविष्टि 25 में शामिल है, को उक्त अधिनियम के प्रयोजनों के लिए दिनांक 15-1-2004 से छ: मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था;

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छ: मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है;

अत: अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (ढ़) के उप-खण्ड (vi) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए दिनांक 15-7-2004 से छ: मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[फा. सं. एस-11017/3/91-आई. आर. (पी.एल.)]

जे. पी. पति, संयुक्त सचिव

MINISTRY OF LABOUR

New Delhi, the 8th July, 2004

S.O. 1719.—Whereas the Central Government having been satisfied that the public interest so reuired that in pursuance of the provisions of sub-clause (vi) of the clause (n) of Section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the Notification of the Government of India in the Ministry of Labour S.O. No. 137 dated 31-12-2003 the service in Currency Note Press, Nashik Road which is covered by item 25 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947) to be a public utility service for the purpose of thesaid Act, for a period of six months from the 15th January, 2004.

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months.

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act, for a period of six months from the 15th July, 2004.

[F. No. S-11017/3/91-IR (PL)]

J. P. PATI, Jt. Secy.

नई दिल्ली, 9 जुलाई, 2004

का. आ. 1720.—केन्द्रीय सरकार संतुष्ट हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (ढ़) के उप-खण्ड (vi) के उपबंधों अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का.आ. 369 दिनांक 5-2-2004 द्वारा ताम्बा खनन उद्योग जो कि औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की प्रविष्टि 13 में शामिल है, को उक्त अधिनियम के प्रयोजनों के लिए दिनांक 5-2-2004 से छ: मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था;

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छ: मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है;

अत: अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (ढ़) के उप-खण्ड (vi) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए दिनांक 5-8-2004 से छ: मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[फा. सं. एस-11017/11/97-आई. आर. (पी.एल.)]

जे. पी. पति, संयुक्त सचिव

New Delhi, the 9th July, 2004

S.O. 1720.—Whereas the Central Government having been satisfied that the public interest so reuired that in pursuance of the provisions of sub-clause (vi) of the clause (n) of Section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the Notification of the Government of India in the Ministry of Labour S.O. No. 369 dated 5-2-2004 the service in the Copper Mining Industry which is covered by item 13 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947) to be a public utility service for the purpose of the said Act, for a period of six months from the 5th February, 2004.

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months.

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act, for a period of six months from the 5th August 2004.

[F. No. S-11017/11/97-IR (PL)]

J. P. PATI, Jt. Secy.

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